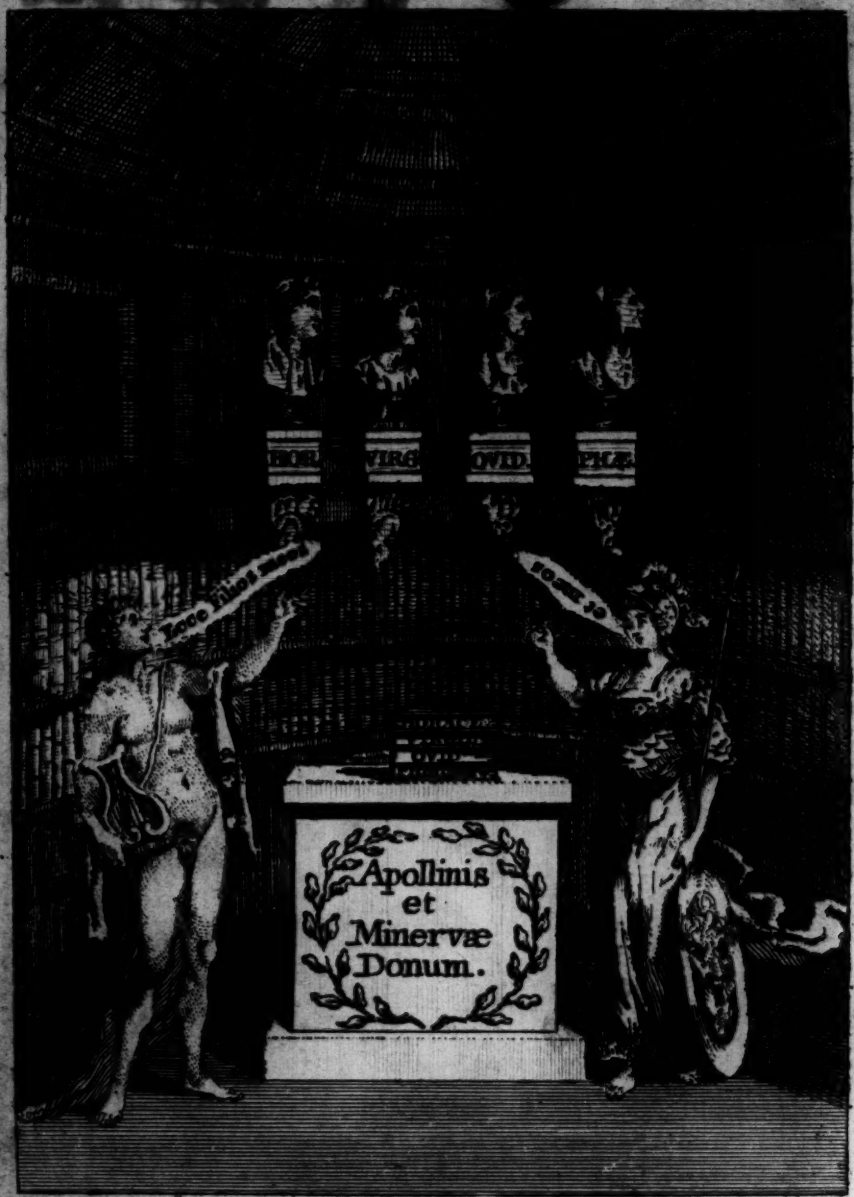
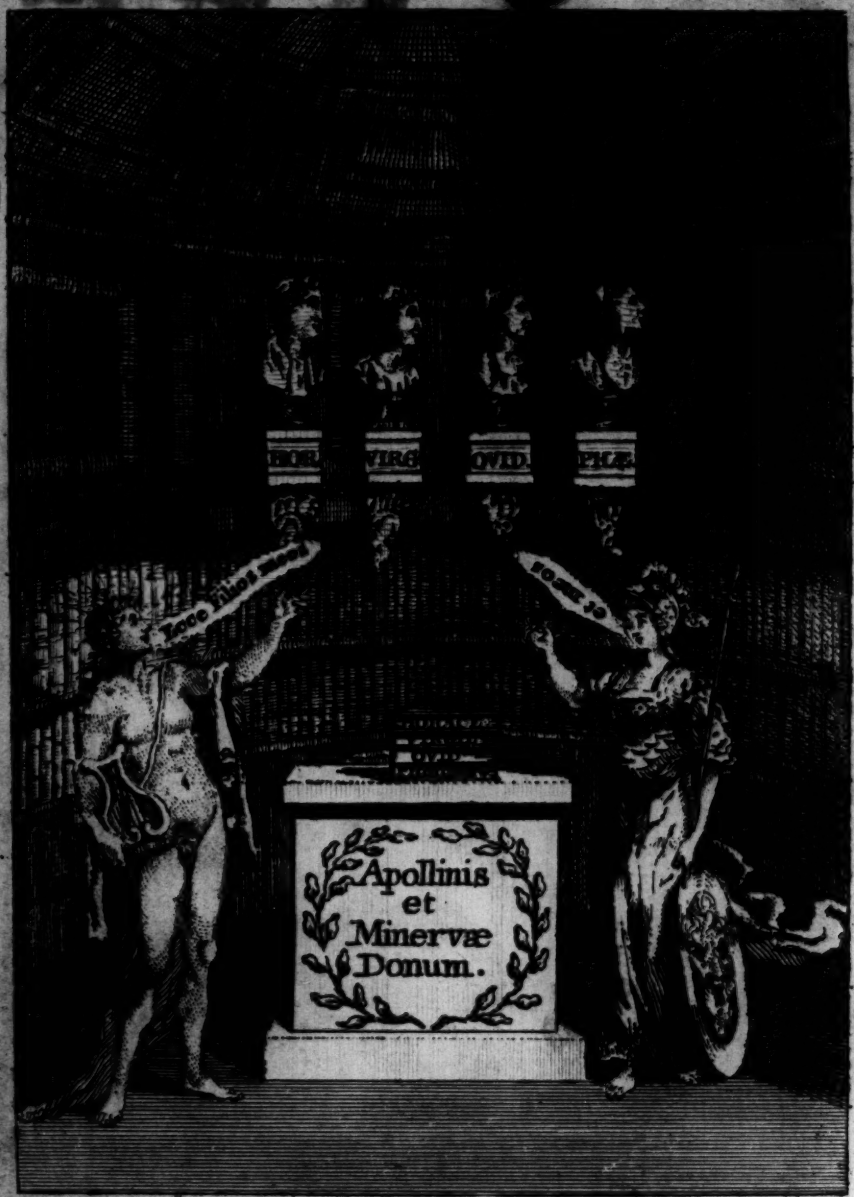


The Works of the above 4 Authors Horace, Virgil, Ovid & Phædrus *with a new Translation in English and Notes all Printed for* Joseph Davidson, *are now Sold by Mess.rs* Hitch, Hodges, Fuller, Robinson, Trye, Beecroft, Ward, Johnson, Baldwin & Keith.
as also a Correct Edition of Cicero's *Select* Orations *done in the same manner.*



The Works of the above 4 Authors Horace, Virgil, Ovid & Phædrus *with a new Translation in English and Notes all Printed for* Joseph Davidson, *are now Sold by Mess.rs* Hitch, Hodges, Fuller, Robinson, Trye, Beecroft, Ward, Johnson, Baldwin & Keith.
as also a Correct Edition of Cicero's *Select* Orations *done in the same manner.*

CICERO'S SELECT ORATIONS,

Tranſlated into ENGLISH;

WITH

The Original LATIN, from the beſt Editions, in the oppoſite Page;

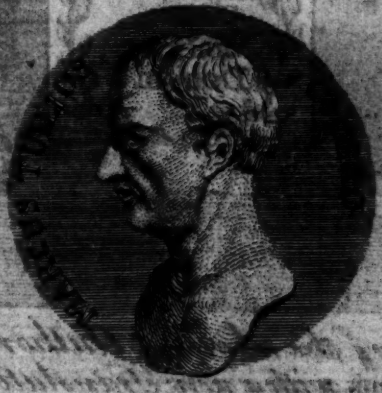
AND

NOTES Hiſtorical, Critical, and Explanatory:

DESIGNED

For the Uſe of Schools, as well as private Gentlemen.

By William Duncan: Profeſſor of Philoſophy in the Univerſity of Aberdeen



LONDON:

Printed for G. KEITH, at the *Bible*-and-*Crown*, in *Gracechurch-ſtreet*,

M.DCC.LVI.



PREFACE.

THE Public is here preſented with a New Tranſlation of CICERO'S SELECT ORATIONS, calculated chiefly for that ſcheme of Education, which has been lately introduced into our Schools, and purſued with ſo much ſucceſs.

IT was long juſt matter of complaint, that youth at their firſt entrance on the ſtudy of the Latin Tongue, were deſtitute of ſuch helps as might contribute to render their way ſmooth, and remove the difficulties that muſt perpetually occur, in attempting to acquire a foreign language. For after maſtering the Declenſions and Conjugations, when they were put upon the reading of Authors, there was a neceſſity that they either ſhould have a Teacher conſtantly with them, or that, by means of a Dictionary, they ſhould themſelves find out the ſignification of ſuch words as occurred: The firſt is an advantage, that but few can attain to; and the laſt, beſides that it is attended with much loſs of time, expoſes youth to perpetual miſtakes, as, amidſt the great variety of ſignifications that are given, they cannot be ſuppoſed capable of chuſing aright.

THE moſt obvious remedy for this inconvenience was, along with the original Text, to give a literal Tranſlation; and indeed the advantages of this method were ſo apparent in the Greek Tongue, that one cannot but wonder how it came to be ſo long before it was introduced in teaching Latin. Cuſtom, it ſeems, had eſtabliſhed a different way; and an attachment to cuſtom often makes men obſtinate in abſurdities. However common ſenſe at laſt prevailed, and

ſome of the eaſier Claſſics, with literal Tranſlations, were put into the hands of youth. The good conſequences of this ſoon became ſo very viſible, that the practice grew daily more into repute, and a conſiderable number of Latin Authors have been rendered in this way.

It was with a view to promote ſo uſeful a ſcheme of Education, that the Author of the following Tranſlation undertook to put CICERO'S SELECT ORATIONS into the ſame form. It is a book much uſed in ſchools, and indeed no one better deſerves to be ſo, whether we regard the beauty of the ſentiments, or the elegance of the language. The difficulties that occur in reading it, are alſo ſuch as render a work of this kind highly proper. The Tranſlator, however, conſidered that by the time CICERO'S ORATIOTS are put into the hands of youth, they are generally pretty well advanced in the Latin, ſo as not to ſtand in need of a Tranſlation ſtrictly literal. He has therefore taken ſuch liberties as were neceſſary to give his verſion a free and eaſy air, that boys along with the ſtudy of the Latin, may acquire likewiſe ſome notion of the purity and propriety of their own tongue, a thing that ought to be carefully attended to in education. And as theſe ORATIONS have frequent alluſions to hiſtory and the Roman cuſtoms, he has ſubjoined a great number of *hiſtorical* and *explanatory notes*, to obviate ſuch difficulties as might ariſe from that quarter. Laſtly, as there is nothing of greater conſequence, than to form youth early to a juſt taſte in compoſition, he has intermixed a variety of *critical notes*, pointing out ſome of the more ſtriking beauties, with which this part of CICERO'S Works ſo largely abounds.

UPON the whole, the Tranſlator flatters himſelf that the following Work will be found, not only uſeful in Schools, but likewiſe of conſiderable advantage to ſuch private Gentlemen, as being but moderately ſkilled in the Latin, want to improve their knowledge that way, and acquire ſome notion of an Author ſo juſtly and univerſally admired.

THE

CONTENTS.

		Page.
I.	ORATION *against* CÆCILIUS, ——	3
II.	—— *for the* MANILIAN LAW, ——	43
III.	—— *for* C. RABIRIUS, ——	91
IV. V. VI. VII.	—— *against* CATILINE, ——	1 — 115 2 — 139 3 — 161 4 — 187
VIII.	—— *for* L. MURÆNA, ——	209
IX.	—— *for the Poet* ARCHIAS, ——	287
X.	—— *for* M. CŒLIUS, ——	307
XI.	—— *against* L. CALPUR. PISO, —	363
XII.	—— *for* T. ANNIUS MILO, ——	435
XIII.	—— *for* M. MARCELLUS, ——	509
XIV.	—— *for* Q. LIGARIUS, ——	529
XV. XVI. XVII.	—— *against* M. ANTONY, —	1 — 551 2 — 579 9 — 659

CONTENTS.

CICERO's SELECT ORATIONS,

TRANSLATED INTO

ENGLISH.

With NOTES.

M. T. CICERONIS ORATIONES quædam SELECTÆ.

ORATIO I.

In Q. CÆCILIUM.

I. SI quis veſtrûm, Judices, aut eorum qui adſunt, fortè miratur, me, qui tot annos in cauſis judiciiſque publicis ita ſim verſatus, ut defenderim multos, læſerim neminem, ſubitò nunc mutatâ voluntate ad accuſandum deſcendere: is, ſi mei conſilii cauſam rationemque cognoverit, unà & id quod facio probabit, & in hâc cauſâ profectò neminem præponendum eſſe mihi actorem putabit. Cùm Quæſtor in Siciliâ fuiſſem, Judices, itaque ex eâ provinciâ deceſſiſſem, ut Siculis omnibus jucundam, diuturnamque memoriam Quæſturæ, nominiſque mei relinquerem: factum eſt, uti cùm ſummum in (1) veteribus patronis multis, tum nonnullum etiam in me præſidium ſuis fortunis conſtitutum eſſe arbitrarentur: qui nunc populati atque vexati, cuncti ad me publicè ſæpè venêrunt, ut ſuarum fortunarum omnium cauſam, defenſionémque ſuſpicerem; me ſæpè eſſe pollicitum,

NOTES.

The occaſion of this oration was as follows. Verres having governed Sicily three years, with the title of prætor, diſtinguiſhed himſelf in that employment by every art of oppreſſion and tyranny. When his command was at an end, all the people of Sicily, thoſe of Syracuſe and Meſſina excepted, reſolved to impeach him upon the law of bribery and corruption, and applied to Cicero, who had formerly been queſtor among them, that he would manage the proſecution. Cicero, though he had hitherto employed his eloquence only in defence of his friends, yet readily undertook the preſent cauſe, as it was both juſt and popular, and gave him an opportunity of diſplaying his abilities againſt Hortenſius, the only man in Rome that could pretend to rival him in the talent of ſpeaking. In the mean time Quintus Cæcilius Niger, who had been quæſtor to Verres, and an accomplice with him in his guilt, claimed a preference to Cicero in the taſk of accuſing, and endeavoured to get the cauſe into his hands in order to betray it. He pretended to have received many perſonal injuries from Verres: that having been quæſtor under him, he was better acquainted with his crimes: and laſtly, that being a native of Sicily, he had the beſt right to proſecute the oppreſſor of his country. Cicero refutes theſe reaſons in the following oration, which is called *Divinatio*, becauſe the proceſs to which it relates was wholly conjectural. For the cauſe not properly regarding a matter of fact, but the claim and qualifications of the accuſers, the judges, without the help of witneſſes, were to *divine*, as it were, what was fit to be done. This happened in the 37th

M. TULLIUS CICERO's SELECT ORATIONS.

ORATION I.

Againſt CÆCILIUS.

SECT. I. IF any upon your bench, my Lords, or in this aſſembly, ſhould perhaps wonder that I, whoſe practice for ſo many years, in cauſes and publick trials, has been ſuch, as to defend many, but attack none; now ſuddenly change from my wonted manner, and deſcend to the office of an accuſer: I am apt to think, that upon weighing the grounds and reaſons of my proceeding, he will not only approve of the ſtep I have taken, but own likewiſe that I deſerve the preference to all others, in the management of the preſent proſecution. When I had finiſhed my queſtorſhip in Sicily, my Lords, and was returned from that province, leaving a grateful and laſting remembrance of my name and adminiſtration behind me: it ſo fell out that the Sicilians, as they placed the higheſt confidence in many of their ancient patrons, ſo did they imagine they might repoſe ſome in me too for the ſecurity of their fortunes. And being at that time grievouſly harraſſed and oppreſſed, they frequently came to me in a body, publickly ſoliciting me to undertake their defence. They put me in mind of my many promiſes and

 declara-

NOTES.

37th year of Cicero's age, and the 685th of Rome. The affair was decided in favour of Cicero.

(1.) *Veteribus patronis multis.*] The provinces had all their protectors and patrons at Rome, who took care of their intereſts, and to whom they applied for a redreſs of grievances. The choice in this caſe commonly fell upon the perſon who had conquered the country, and reduced it into the form of a province. This right of patronage deſcended to his poſterity, and was conſidered as an inheritance of the family. Sicily had many powerful patrons at Rome. The family of the *Marcelli*, ſprung from that Marcellus, who in the ſecond Punic war conquered Syracuſe. The deſcendants of Scipio Africanus, who after the deſtruction of Carthage, carried back in triumph to Sicily all the ornaments of which the Carthaginians had robbed that iſland. Laſtly, the *Metelli*, two of whom, *viz.* Metellus Celer, and Metellus Nepos, impeached Marcus Lepidus on account of his miſconduct when prætor in that Province.

tum, ſæpè oſtendiſſe dicebant, ſi quod tempus accidiſſet, quo tempore aliquid à me requirerent, commodis eorum me non defuturum. Veniſſe tempus aiebant, non jam ut commoda ſua, ſed ut vitam, ſalutémque totius provinciæ defenderem: ſeſe jam ne Deos quidem in ſuis urbibus, ad quos confugerent, habere: quod eorum ſimulacra ſanctiſſima C. Verres ex delubris religioſiſſimis ſuſtuliſſet: quas res luxuries in flagitiis, crudelitas in ſuppliciis, avaritia in rapinis, ſuperbia in contumeliis efficere potuiſſet, eas omneis ſeſe hoc uno Prætore (2.) per triennium pertuliſſe: rogare & orare, ne illos ſupplices aſpernarer, quos, me incolumi, nemini ſupplices eſſe opporteret.

II. Tuli graviter & acerbè, Judices, in eum me locum adductum, ut aut eos homines ſpes falleret, qui opem à me atque auxilium petiſſent, aut ego, qui me ad defendendos homines ab ineunte adoleſcentiâ dediſſem, tempore atque officio coactus (3.) ad accuſandum traducerer. Dicebam, habere eos actorem Q. Cæcilium, qui præſertim Quæſtor in eâdem provincia poſt me Quæſtorem fuiſſet. Quo ego adjumento ſperabam hanc à me moleſtiam poſſe dimoveri, id mihi erat adverſarium maximè: nam illi multò mihi hoc facilius remiſiſſent, ſi iſtum non nôſſent, aut ſi iſte apud eos Quæſtor non fuiſſet. Adductus ſum, Judices, officio, fide miſericordiâ, multorum bonorum exemplo, veteri conſuetudine, inſtitutoque majorum, ut onus hoc laboris atque officii, non ex meo, ſed ex meorum neceſſariorum tempore mihi ſuſcipiendum putarem. Quo in negotio tamen illa me res, Judices, conſolatur, quod hæc, quæ videtur eſſe accuſatio mea, non potiùs accuſatio quàm defenſio eſt exiſtimanda. Defendo enim multos mortales, multas civitates, provinciam Siciliam totam. Quamobrem ſi mihi unus eſt accuſandus, propemodùm manere in inſtituto meo videor, & non omninò à defendendis hominibus, ſublevandiſque diſcedere. Quod ſi hanc cauſam tam idoneam, tam illuſtrem, tam gravem non haberem: ſi

NOTES.

(2.) *Per triennium.*] Tho' the provincial governours continued regularly in office but one year, yet many accidents might prolong the time of their command. Arrius had been appointed to ſucceed Verres, but dying before he reached Sicily, the other was continued in office two years longer.

(3.) *Ad accuſandum traducerer.*] Cicero had hitherto confined himſelf wholly to the defence of his friends and clients, which was extremely popular at Rome; whereas the contrary taſk of accuſing was no leſs odious. He therefore thinks himſelf obliged in the beginning of his ſpeech, to give ſome reaſons for this ſeeming change in his conduct. He obſerves, that the cauſe he was now engaged in, though in appearance an accuſation, was in reality a defence: That he impeached only one man, but defended a whole people: And that he could not have declined taking part in the preſent trial, but by renouncing all his engagements with the Sicilians. It may not be amiſs to remark here, that though accuſing in general was a very invidious office at Rome, yet the impeaching and bringing to juſtice

declarations, not to be wanting to them in offices of friendſhip, when time or neceſſity ſhould require. The time, they told me, was now come, when not only their fortunes, but the very being and ſafety of the whole province was at ſtake: That they had not even their gods to fly to for protection; of whoſe ſacred images, their cities, and moſt auguſt temples had been rifled by the impiety of Verres: That whatever luxury in voluptuouſneſs, cruelty in puniſhing, avarice in extortion, or inſolence in oppreſſion, could deviſe to torment a people, had by this one prætor, during the ſpace of three years, been inflicted upon them: That they therefore requeſted and conjured me not to diſregard their ſupplications, ſince, while I was ſafe, they ought to become ſuppliants to none.

SECT. II. It was with indignation and concern, my Lords, that I ſaw myſelf reduced to the neceſſity, either of diſappointing thoſe who applied to me for relief and aſſiſtance, or undertaking the diſagreeable taſk of an accuſer, after having employed myſelf from my earlieſt youth in defending the oppreſſed. I told them they might have recourſe to Q. Cæcilius, who ſeemed the fitter perſon to manage their cauſe, as he had been queſtor after me in the ſame province. But the very argument by which I hoped to extricate myſelf from this difficulty, proved a principal obſtruction to my deſign: For they would much more readily have agreed to my propoſal, had they not known Cæcilius, or had he never exerciſed the office of queſtor among them. I was therefore prevailed upon, my Lords, from a conſideration of my duty, my engagements, the compaſſion due to diſtreſs, the examples of many worthy men, the inſtitutions of former times, and the practice of our anceſtors, to charge myſelf with a part, in which I have not conſulted my own inclinations, but the neceſſities of my friends. It is ſome comfort however, my Lords, that my preſent pleadings cannot ſo properly be accounted an accuſation, as a defence. For I defend a multitude of men, a number of cities, and the whole province of Sicily. If, therefore, I am under a neceſſity of arraigning one, I ſtill ſeem to act agreeably to my former character, without deviating from the patronage and defence of mankind. But granting I could not produce ſuch powerful, weighty, and urgent reaſons; granting the Sicilians had not ſolicited me to undertake

NOTES.

juſtice a corrupt magiſtrate, was ever accounted honourable, and had frequently been undertaken by men of the moſt diſtinguiſhed characters in the ſtate. Nay, one of Cicero's principal motives in charging himſelf with this trial was, to recommend himſelf to the favour of the people, and facilitate his views of advancement.

(4.)

ſi aut hoc à me Siculi non petiiſſent, aut mihi cum Siculis cauſa tantæ neceſſitudinis non intercederet, & hoc, quod facio, me reipub. causâ facere profiterer, ut homo ſingulari cupiditate, audaciâ, ſcelere præditus, cujus furta atque flagitia non in Siciliâ ſolùm, (4.) ſed in Achaiâ, Aſiâ, Ciliciâ, Pamphyliâ, Romæ denique ante oculos omnium maxima turpiſſimaque nôſſemus, me agente in judicium vocaretur: quis tandem eſſet, qui meum factum aut conſilium poſſet reprehendere?

III. Quid eſt, pro Deûm hominumque fidem! in quo ego reip. plus hoc tempore prodeſſe poſſim? Quid eſt, quod aut populo Rom. gratius eſſe debeat? aut ſociis, exteriſque nationibus optatius eſſe poſſit, aut ſaluti, fortuniſque omnium magis accommodatum ſit? Populatæ, vexatæ, funditus everſæ provinciæ: ſocii ſtipendiariique populi Romani afflicti, miſeri, jam non ſalutis ſpem, ſed exitii ſolatium quærunt. (5.) Qui judicia manere apud ordinem Senatorium volunt, queruntur accuſatores ſe idoneos non habere, qui accuſare poſſunt, judiciorum ſeveritatem deſiderant. Populus Rom. intereà, tametſi multis incommodis, difficultatibuſque affectus eſt, tamen nihil æquè in repub. atque illam veterem judiciorum vim, gravitatemque requirit. Judiciorum deſiderio, tribunitia poteſtas efflagitata eſt: judiciorum levitate, ordo quoque alius ad res judicandas poſtulatur. Judicum culpâ atque dedecore (6.) etiam cenſorium nomen, quod aſperius anteà populo videri ſolebat, id nunc poſcitur: id jam populare, atque plauſibile factum eſt. In hâc libidine hominum nocentiſſimorum, in populi Rom. quotidianâ querimoniâ, judiciorum infamiâ, totius ordinis offenſione, cùm hoc unum

NOTES.

(4.) *Sed in Achaia, Aſia,* &c.] Verres had been lieutenant to Dolabella, proconſul of Cilicia; where, as well as in the other provinces here mentioned, he rendered himſelf odious to the inhabitants by his avarice, cruelty, and reiterated oppreſſions. Nor was he leſs infamous at Rome; having exerciſed the office of prætor in that city, and by his venal adminiſtration incurred the general hatred of the people.

(5.) *Qui judicia manere apud ordinem Senatorium.*] Caius Gracchus had paſſed a law, by which the adminiſtration of juſtice was veſted in the order of knights. This privilege they enjoyed with great reputation, till Sylla having made himſelf maſter of the republick, transferred it from the knights to the ſenators, with whom it remained at this time. But as theſe laſt did not execute this great truſt, with the integrity and impartiality that might have been expected, the people were impatient to ſee it reſtored to the Equeſtrian order. For the ſame reaſon they were very deſirous that the Tribunician power might recover its former vigour, which had always been a great check upon the nobles, till the beforementioned uſurpation of Sylla, who, in favour of his own order, conſiderably retrenched the authority of that office.

(6.) *Etiam cenſorium nomen.*] The cenſors were created every fifth year, to watch over the manners and diſcipline of the ſtate. They had power to puniſh immorality in any perſon, of what order ſoever. The ſenators they might expel the houſe; which was done by omitting ſuch a perſon, when they called over the names. The knights they puniſhed, by taking away the horſe allowed them at the publick charge. The

commons

take their cauſe; or that my connexion with them had not laid me under any obligations to comply; and that in this whole affair I ſhould profeſs no other motive than the view of ſerving my country, and of bringing to juſtice a man, infamous for avarice, inſolence, and villainy; whoſe robberies and crimes have not been confined to Sicily alone, but are likewiſe notorious over all Achaia, Aſia, Cilicia, Pamphylia, in fine, at Rome before the eyes of all men; who, I deſire to know, could object either to my conduct or intentions.

SECT. III. Immortal Gods! What nobler ſervice can I at this time render the commonwealth? What can I undertake more grateful to the people of Rome, more deſirable to our allies and foreign nations, or more calculated for the ſafety and advantage of mankind in general? The provinces are plundered, haraſſed, and utterly ruined. The allies and tributaries of the Roman people, overwhelmed with anguiſh and affliction, deſpair now of redreſs, and only ſolicit an alleviation of their calamities. They who are for having the adminiſtration of juſtice continue in the hands of the ſenators, complain of the inſufficiency of accuſers. And they who are capable of acting as accuſers, complain of the remiſſneſs of the judges. In the mean time the Roman people, though labouring under many hardſhips and difficulties, deſire nothing ſo much as the revival of the ancient force and firmneſs of public trials. Through their impatience for a vigorous adminiſtration of juſtice, they have extorted the reſtoration of the tribunitian power. From the contempt into which our tribunals are fallen, another order is demanded for the deciſion of cauſes. The infamy and corruption of the judges have occaſioned a deſire to ſee the cenſorſhip re-eſtabliſhed; an office, which though formerly accounted ſevere, is now become popular and agreeable. Amidſt theſe exorbitant oppreſſions of guilty men, amidſt the daily complaints of the Roman people, the infamy of our tribunals, and the odium conceived againſt the whole order of ſenators, as there appeared

NOTES.

commons they might either remove from a higher tribe, to a leſs honourable; or quite diſable them to give their votes in the aſſemblies; or ſet a fine upon them, to be paid to the treaſury. At the end of the fifth year they took an exact ſurvey of the people, concluding the whole with a ſolemn luſtration, or expiatory ſacrifice. The ſacrifice conſiſted of a ſow, a ſheep, and a bull; whence it took the name of *Suovetaurilia*. The ceremony of performing it, they called *Luſtrum condere*; and upon this account, the ſpace of five years came to be ſignified by the word *Luſtrum*. This office, though uſeful and neceſſary, was yet very odious in a free ſtate; and for that reaſon had been diſcontinued ſeveral years. But now corruption, eſpecially in courts of juſtice, was come to ſuch a height, that the people themſelves were deſirous of reviving it.

(7.)

unum his tot incommodis remedium esse arbitrarer, ut homines idonei atque integri causam reipub. legumque susciperent: fateor me salutis omnium causâ ad eam partem accessisse reipubl. sublevandæ, quæ maximè laboraret. Nunc quoniam quibus rebus adductus ad causam accesserim demonstravi, dicendum necessariò est de contentione nostrâ, ut in constituendo accusatore, quid sequi possitis, habeatis. Ego sic intelligo, Judices, (7.) cùm de pecuniis repetundis nomen cujuspiam deferatur, si certamen inter aliquos sit, cui potissimum delatio detur, hæc duo in primis spectari oportere: quem maximè velint actorem esse ii, quibus factæ esse dicantur injuriæ: & quem minimè velit is, qui eas injurias feciſſe arguatur.

IV. In hâc causâ, Judices, tametsi utrumque esse arbitror perspicuum; tamen de utroque dicam, & de eo priùs, quod apud vos plurimùm debet valere, hoc est, de voluntate eorum, quibus injuriæ factæ sunt: quorum causâ judicium de pecuniis repetundis est constitutum. Siciliam provinciam C. Verres per triennium depopulatus esse, Siculorum civitates vastâsse, domos exinanîsse, fana spoliâsse dicitur. Adsunt, queruntur Siculi universi: ad meam fidem, quam habent spectatam jam & diu cognitam, confugiunt: auxilium sibi per me à vobis, atque à populo Romano legibus petunt: me defensorem calamitatum suarum, me ultorem injuriarum, me cognitorem juris sui, me actorem causæ totius esse voluêrunt. Utrum, Q. Cæcili! hoc dices, me non Siculorum rogatu ad causam accedere? an optimorum fideliſſimorumque sociorum voluntatem apud hos gravem esse non oportere? Si id audebis dicere, quod C. Verres, cui te inimicum esse simulas, maximè exiſtimari vult, Siculos hoc à me non petiisse: primùm causam inimici tui sublevabis, (8.) de quo non præjudicium, sed planè judicium jam factum putatur: quod ita percrebuit, Siculos omneis actorem suæ causæ contra illius injurias quæsiisse. Hoc, si tu inimicus ejus factum negabis quod ipse, cui maximè hæc res obstat, negare non audet; videto, ne nimiùm familiariter inimicitias exercere videare. Deinde sunt testes viri clariſſimi nostræ civitatis, quos omneis à me nominari non

NOTES.

(7.) *Cum de pecuniis repetundis.*] *Crimen repetundarum* was, where a charge of extortion was brought againſt any magiſtrate; ſo called, becauſe the proſecutor ſued him in an action of damages, *pecunias ereptas repetebat.*

(8.) *De quo non præjudicium, ſed plane judicium.*] This paſſage carries a good deal of difficulty in it. *Præjudicium* ſignifies a previous judgment, or a ſentence pronounced upon one part of the trial, which might ſerve as a precedent to direct the deciſion of the whole. *Judicium* again denotes the iſſue and final determination of the buſineſs. The orator's meaning ſeems to be, that there was not only a ſtrong preſumption of what he here advances, but that the matter was ſo notorious, as not to be in the leaſt doubted of by the publick.

(9.)

appeared no other remedy for theſe evils, but for men of ability and Integrity to undertake the defence of the commonwealth and the laws: I own I was prevailed upon, out of regard to the common ſafety, to endeavour at relieving the republick, in that part, where ſhe ſeemed moſt to ſtand in need of help. And now that I have laid before you the reaſons by which I was determined to appear in this cauſe, it remains that I ſpeak to the point under debate, that in the choice of an accuſer you may the better ſee whereon to ground your judgment. I apprehend, my Lords, when an information is brought againſt any one for extortion, if a diſpute ariſes about the perſon moſt proper to act as impeacher, that theſe two things are of principal moment; whom the parties aggrieved chiefly deſire to have the management of their cauſe; and whom the perſon accuſed, dreads moſt in that capacity.

SECT. IV. Though I think both theſe points, my Lords, ſufficiently clear in the preſent cauſe, yet I ſhall ſpeak particularly to each of them: And firſt, of that which ought to have the principal ſway in this debate; I mean, the inclination of the ſuffering parties, for whoſe ſake the preſent trial was granted. C. Verres is charged with having for three years plundered the province of Sicily, rifled the cities, ſtripped the private houſes, and pillaged the temples. The Sicilians in a body are preſent, to offer their complaints. They fly to my protection, of which already they have had long and ample experience. By me they ſolicit redreſs from this court, and from the laws of the Roman people. They have choſen me as their refuge againſt oppreſſion, as the revenger of their wrongs, the patron of their rights, and the ſole manager of the preſent impeachment. Will you, Cæcilius, pretend, either that the Sicilians have not importuned me to undertake their cauſe, or that the inclinations of our beſt and moſt faithful allies ought not to weigh with thoſe who compoſe this court? If you dare aſſert what Verres, to whom you profeſs yourſelf an enemy, deſires above all things ſhould be believed, that the Sicilians have not applied to me in this caſe; you will thereby do a ſervice to the cauſe of your enemy, againſt whom not a preſumptive ſentence only, but an abſolute judgment is already ſuppoſed to be given, from the notoriety that the Sicilians have unanimouſly demanded an advocate for their rights againſt his oppreſſions. If you, his enemy, diſpute this fact, which he himſelf, though it makes directly againſt him, has not the face to deny, beware that you are not ſuſpected of puſhing your reſentment with too gentle a hand. Beſides, ſeveral of the moſt illuſtrious men of the commonwealth, all whoſe names it were needleſs to repeat, can witneſs the contrary. I ſhall mention only ſuch as are preſent, whom I would be very far

non eſt neceſſe: eos qui adſunt, appellabo, quos, ſi mentirer, teſteis eſſe impudentiæ meæ minimè vellem. Scit is, qui eſt in conſilio, C. Marcellus: ſcit is, quem adeſſe video, Cn. Lentulus Marcellinus: quorum fide, atque præſidio Siculi maximè nituntur, quòd omninò Marcellorum nomini tota illa provincia adjuncta eſt. Hi ſciunt, hoc non modo à me petitum eſſe, ſed ita ſæpè, & ita vehementer eſſe petitum, ut aut cauſa mihi ſuſcipienda fuerit, aut officium neceſſitudinis repudiandum. Sed quid ego his teſtibus utor, quaſi res dubia, aut obſcura ſit? Adſunt homines ex totâ provinciâ nobiliſſimi, qui præſentes vos orant, atque obſecrant, Judices, ut in actore cauſæ ſuæ deligendo, veſtrum judicium à ſuo judicio ne diſcrepet. Omnium civitatum totius Siciliæ legationes adſunt, (9.) præter duas civitates: quarum duarum, ſi adeſſent, duo crimina vel maxima minuerentur, quæ cum his civitatibus C. Verri communicata ſunt. At enim cur à me potiſſimùm hoc præſidium petivêrunt? Si eſſet dubium, petiſſent à me præſidium nec-ne, dicerem cur petiiſſent. Nunc verò cùm id ita perſpicuum ſit, ut oculis judicare poſſitis, neſcio cur hoc mihi detrimento eſſe debeat, ſi id mihi objiciatur, me potiſſimùm eſſe delectum. Verùm id mihi non ſumo, Judices, & hoc non modò in oratione meâ non pono, ſed ne in opinione quidem cujuſquam relinquo, me omnibus patronis eſſe præpoſitum. Non ita eſt, ſed uniuſcujuſque temporis, valetudinis, facultatis ad agendam, ducta ratio eſt. Mea fuit ſemper hæc in hâc re voluntas & ſententia, quemvis ut hoc mallem de iis, qui eſſent idonei, ſuſcipere, quàm me: me, ut mallem, quam neminem.

V. Reliquum eſt jam, ut illud quæramus, cùm hoc conſtet, Siculos à me petiiſſe, ecquid hanc rem apud vos, animoſque veſtros valere oporteat: ecquid auctoritatis apud vos in ſuo jure repetundo ſocii populi Rom. ſupplices veſtri habere debeant. De quo quid ego plura commemorem? quaſi verò dubium ſit, quin tota lex de pecuniis repetundis ſociorum causâ conſtituta ſit. Nam civibus cùm ſunt ereptæ pecuniæ, civili ferè actione, & privato jure repetuntur. Hæc lex ſocialis eſt: hoc jus nationem exterarum eſt: hanc habent

NOTES.

(9.) *Præter duas civitates.*] The two Cities here meant, are Syracuſe and Meſſana; for theſe being the moſt conſiderable of the province, Varres had taken care to keep up a fair correſpondence with them. Syracuſe was the place of his reſidence, and Meſſana the repoſitory of his plunder, whence he exported it all to Italy: And though he would treat even theſe on certain occaſions very arbitrarily, yet in ſome flagrant inſtances of his rapine, that he might eaſe himſelf of a part of the envy, he uſed to oblige them with a ſhare of the ſpoil: So that partly by fear, and partly by favour, he held them generally at his devotion; and at the expiration of his government procured ample teſtimonials from them both, in praiſe of his adminiſtration. All the other towns were zealous and active in the proſecution, and by a common petition to Cicero, implored him to undertake the management of it.

(10.)

from having the aſſurance to appeal to, were I conſcious of advancing a falſhood. C. Marcellus, who ſits upon the bench, knows the truth of what I aſſert: Cn. Lentulus Marcellinus, whom I ſee in court, can likewiſe teſtify the ſame thing: Two perſons, on whoſe protection and patronage the Sicilians have a principal dependence; that whole province being in a particular manner attached to the name of the Marcelli. Theſe know, that I have been not only importuned to undertake this affair, but ſo frequently, and with ſo much earneſtneſs, that I was under a neceſſity of either charging myſelf with the cauſe, or renouncing the tyes of relation between us. But what need after all of appealing to witneſſes, as if the thing was doubtful, or obſcure? Men of the greateſt quality in the whole province are here preſent, my Lords, who perſonally requeſt and conjure you, that in appointing one to proſecute their cauſe, your ſentiments may not be different from theirs. Commiſſioners appear from every city in Sicily, except two; whoſe deputies, if preſent, would conſiderably weaken the force of two principal branches of the accuſation, in which theſe cities were accomplices with Verres. But why do they apply chiefly to me, for protection? If the fact itſelf was doubtful, I might perhaps explain the reaſons of this application. But as it is a caſe ſo evident, that you may judge of it by what you ſee, I know no reaſon why an objection from my being choſen, preferable to all others, ought to affect me. But, my Lords, I arrogate no ſuch diſtinction to myſelf, and am ſo far from claiming it in what I now offer to your conſideration, that I ſhould be ſorry if it entered into the imagination of any perſon whatſoever, that I was preferred to all other patrons. 'Tis by no means ſo: But regard is had to every one's circumſtances, health, and abilities. My inclinations and ſentiments always were, that any one capable of managing the cauſe ſhould undertake it, rather than myſelf; but myſelf rather than none.

SECT. V. Since then it is evident, that the Sicilians have beſought me to charge myſelf with their defence; it now remains that we enquire, whether this ought to have any influence in the preſent debate; whether the allies of the Roman people, applying in a ſuppliant manner for a redreſs of grievances, ought not to have great weight in ſwaying your determinations? But why do I dwell upon this ſubject? as if it was not apparent, that the whole ſyſtem of laws relating to extortion, were eſtabliſhed for the ſake of the allies alone. When citizens defraud one another, they may have recourſe to a civil action, and the municipal laws of the ſtate. This law is wholly ſocial; 'tis the peculiar right of foreign na-

bent arcem minus aliquantò nunc quidem munitam, quam anteà: verumtamen, ſiqua reliqua ſpes eſt, quæ ſociorum animos conſolari poſſit, ea tota in hâc lege poſita eſt: cujus legis non modò à populo Romano, ſed etiam ab ultimis nationibus jampridem ſeveri cuſtodes requiruntur. Quis igitur eſt, qui neget oportere eorum arbitratu lege agi, quorum causâ lex ſit conſtituta? Sicilia tota, ſi unâ voce loqueretur, hoc diceret: Quod auri, quod argenti, quod ornamentorum in meis urbibus, ſedibus, delubris fuit, quod in unaquâque re beneficio Senatûs populique Romani juris habui, id mihi tu, C. Verres, eripuiſti, atque abſtuliſti: quo nomine abs te (10.) ſeſtertium millies ex lege repeto. Si univerſa, ut dixi, provincia loqui poſſet, hâc voce uteretur. Quoniam id non poterat, harum rerum actorem, quem idoneum eſſe arbitrata eſt, ipſa delegit. In hujuſmodi re quiſquam tam impudens reperietur, qui ad alienam cauſam, invitis iis, quorum negotium eſt, accedere aut aſpirare audeat?

VI. Si tibi, Q. Cæcili, hoc Siculi dicerent; Te non novimus: neſcimus quis ſis: nunquam te anteà vidimus: ſine nos per eum noſtras fortunas defendere, cujus fides eſt nobis cognita: non-ne id dicerent, quod cuivis probare deberent? nunc hoc dicunt: utrumque ſe nôſſe: alterum ſe cupere defenſorem eſſe fortunarum ſuarum: alterum planè nolle. Cur nolint, etiamſi taceant, ſatis dicunt: verum non tacent; tamen his invitiſſimis te offeres? tamen in alienâ causâ loquêre? tamen eos defendes, qui ſe ab omnibus deſertos potiùs,

NOTES.

(10.) *Seſtertium millies ex lege repeto.*] It will be proper here to give the reader ſuch a general notion of the Roman coins, and their manner of computing, as may enable him to form a judgment of the ſeveral ſums that frequently occur in this work. The Romans reckoned their money by *æs*, *aſſes*, *ſeſtertii* or *nummi*, *denarii*, *ſolidi* or *aurei*, *pondo* or *libra*. The *æs*, or *as*, was ſo named as being of braſs, and at firſt conſiſted of a pound weight, but was in time reduced to two ounces, then to one ounce, and at laſt to half an ounce. Its parts were, the *ſemis*, or half *æs*; the *trien*, or third part of the *æs*; the *quadrans*, or fourth part, by ſome called *triuncis* and *teruncius*, becauſe it contained three ounces, before the value was diminiſhed; the *ſextans*, or ſixth part, which made two ounces; and laſtly, the *uncia*, or twelfth part, making one ounce. They had likewiſe names for any other number of ounces under twelve; as the *quincunx*, *ſeptunx*, *bes*, *dodrans*, &c. The *ſeſtertius*, ſo called *quaſi ſeſqui-tertius*, becauſe it made two *aſſes* and an half, was the fourth part of the *denarius*, in value about two-pence of our money. It is often called abſolutely *nummus*, becauſe it was in moſt frequent uſe, as alſo *ſeſtertius nummus*. When the word is uſed in the neuter gender, *ſeſtertium*, it denotes always a thouſand *ſeſtertii*. The *denarius* was the chief ſilver coin in uſe among the Romans, ſo called becauſe it contained *denos æris*, ten *aſſes*; it was equivalent to four *ſeſtertii*, or about eight-pence of our money. The *ſolidus* or *aureus*, was a gold coin, equal in value to two *denarii*. The *as*, becauſe at firſt it was a pound weight, is often thus expreſſed L. And the *ſeſtertius*, becauſe it was equivalent to two pounds of braſs and a half, thus HS, or LLS. The ſums in uſe among the Romans were chiefly three; the *ſeſtertium*, the *libra*, and the *talent*. The *ſeſtertium*, as we have

tions: They have this fortreſs, ſomewhat weakened indeed, and leſs able to protect them than formerly; yet ſtill, if any hope remains, to chear the hearts of our allies, it is wholly founded on this law. A law, which not only the people of Rome, but the remoteſt nations, long to ſee under the care of rigorous guardians. Who then can deny that a law ought to take its courſe according to the inclination of thoſe in favour of whom it was enacted? Could all the people of Sicily ſpeak with one voice, they would ſay, You, Verres, have robbed and plundered us of all the gold, ſilver, and ornaments, that were in our cities, houſes, or temples; you have violated every privilege we enjoyed by the friendſhip of the ſenate and people of Rome; and on that account we have brought an action againſt you, of an hundred million of ſeſterces. I ſay, could the whole province ſpeak with one tongue, this would be its language. But, as that is impoſſible, they have made choice of ſuch an advocate, as they thought beſt for their purpoſe. Shall any one therefore, in an affair of this kind, have the aſſurance to thruſt himſelf into another's cauſe, contrary to the inclination of thoſe who are immediately concerned?

SECT. VI. Should the Sicilians ſpeak thus to you, Cæcilius, We know you not; we are ſtrangers to your character; we never ſaw you before; ſuffer us to commit the defence of our fortunes to a man, whoſe integrity we have experienced: Would they not ſay, what all the world muſt approve? Now they even tell you, that they know us both; that they expreſsly deſire the one for their advocate, and will have nothing to do with the other. Were they ſilent as to the reaſons of this refuſal, it would be no hard matter to divine them: But they are by no means ſilent. Will you then force yourſelf upon them, againſt their inclination? Will you ſpeak in

NOTES.

have already obſerved, was equivalent to a thouſand *ſeſtertii*, about eight pounds of our money. In reckoning by ſeſterces, the Romans had an art, which may be underſtood by theſe three rules: The firſt is, if a numeral noun agree in caſe, gender, and number, with ſeſtertius, then it denotes preciſely ſo many *ſeſtertii*, as *decem ſeſtertii*, juſt ſo many. The ſecond is this, if a numeral noun of another caſe be joined with the genitive plural of *ſeſtertius*, it denotes ſo many thouſand, as *decem ſeſtertium* ſignifies ten thouſand *ſeſtertii*. Laſtly, if the adverb numeral be joined, it denotes ſo many hundred thouſand, as *decies ſeſtertium* ſignifies ten hundred thouſand *ſeſtertii*: Or, if the numeral adverb be put by itſelf, the ſignification is the ſame; *decies* or *vigeſies* ſtand for ſo many hundred thouſand *ſeſtertii*, or ſo many hundred *ſeſtertia*. This will help us to diſcover the ſum here mentioned by Cicero. For, according to the laſt of theſe rules, *millies ſeſtertium* ſignifies a thouſand times a hundred thouſand *ſeſtertii*, or a hundred thouſand *ſeſtertia*: And as the *ſeſtertium* was nearly equal to eight pounds of our money, the whole ſum amounts to about eight hundred thouſand pounds. The *libra*, or pound, contained twelve ounces of ſilver, and was worth three pounds of our money. The third ſum was the talent, which contained twenty-four *ſeſtertia*, amounting nearly to an hundred and ninety-two pounds.

(11.)

tiùs, quam abs te defenſos eſſe malunt? tamen his operam tuam pollicebere, qui te neque velle ſuâ causâ, nec, ſi cupias, poſſe arbitrantur? Cur eorum ſpem exiguam reliquarum fortunarum, quam habent in legis & judicii ſeveritate poſitam, vi extorquere conaris? cur te interponis, invitiſſimis his, quibus maximè lex conſultum eſſe vult? cur de quibus in provinciâ non optimè es meritus, eos nunc planè fortunis omnibus conaris evertere? cur his non modò perſequendi juris ſui, ſed etiam deplorandæ calamitatis adimis poteſtatem? Nam, te actore, quem eorum affuturum putas, quos intelligis, non, ut per te alium, ſed ut per aliquem teipſum ulciſcantur, laborare?

VII. At enim ſolùm id eſt, ut me Siculi maximè velint: alterum illud credo obſcurum eſt, à quo Verres minimè ſe accuſari velit. Ecquis unquam tam palàm de honore, tam vehementer de ſalute ſuâ contendit, quàm ille, atque illius amici, ut ne hæc mihi delatio detur? Sunt multa, quæ Verres in me eſſe arbitratur, quæ ſcit in te, Q. Cæcili, non eſſe: quæ cujuſmodi in utroque noſtrûm ſint, paulò poſt commemorabo. Nunc tantum id dicam, quod tacitus tu mihi aſſentiare, nullam rem in me eſſe, quam ille contemnat: nullam in te, quam pertimeſcat. (11.) Itaque magnus ille defenſor, & amicus ejus, tibi Hortenſius ſuffragatur, me oppugnat: apertè ab Judicibus petit, ut tu mihi anteponare: & ait hoc ſe honeſtè ſine ullâ invidiâ, ac ſine ullâ offenſione contendere. Non enim, inquit, illud peto, quod ſoleo, cùm vehementiùs contendi, impetrare; reus ut abſolvatur, non peto: ſed, ut ab hoc potiùs quàm ab illo accuſetur, id peto. Da mihi hoc: concede, quod facile eſt, quod honeſtum, quod non invidioſum: quod cùm dederis, ſine ullo tuo periculo, ſine infamiâ illud dederis, ut is abſolvatur, cujus ego causâ laboro. Et ait idem, ut aliquis metus adjunctus ſit ad gratiam, certos eſſe in conſilio, quibus oſtendi tabellas velit: id eſſe perfacile; non enim ſingulos ferre ſententias, ſed univerſos conſtituere: (12.) ceratam unicuique tabellam

NOTES.

(11.) *Itaque magnus ille defenſor, & amicus ejus Hortenſius.*] Hortenſius was a pleader of diſtinguiſhed abilities, and had acquired great reputation in the Forum, when Cicero firſt made his appearance as an orator. Theſe two long rivalled each other; but Hortenſius having firſt run through the career of publick honours, began to ſlacken a little his efforts; while Cicero, on the other hand, redoubling his, obtained at laſt, by the general ſuffrage of the city, the palm of eloquence. We have here a repreſentation of Hortenſius's manner of pleading, who ſeems not to have been over ſcrupulous in point of equity, thinking all means lawful by which he could bring off his client. But doubtleſs we are to view the picture with ſome grains of allowance, as it comes from the hand of an adverſary and a rival.

(12.) *Ceratam unicunque tabellam, &c.*] This alludes to the manner of giving judgment among the Romans. The Judges had each a tablet covered with wax, upon which they wrote the letter A, if they meant to acquit;

in a cauſe, in which you have no concern? Will you charge yourſelf with the defence of thoſe, who chuſe rather to ſee themſelves abandoned by all the world, than truſt their defence in your hands? Will you engage to protect a people, who are perſuaded you have neither inclination nor power to ſerve them? Why would you deprive them of the ſmall hopes of relief they have ſtill left, in the equity of the laws and Judges? Why would you interpoſe, in oppoſition to the will of thoſe, for whoſe benefit the law was chiefly deſigned? Why do you aim at entirely ſubverting the fortunes of a people, to whom you had rendered yourſelf ſo very obnoxious in the province? Why are you for diveſting them of the power, not only of proſecuting their rights, but even of deploring their misfortunes? For which of them, do you imagine, would attend the trial under your management, when you know they are labouring, not to puniſh another by your help, but, by means of another, to avenge the wrongs they have received from you?

SECT. VII. But this proves only, that the Sicilians chiefly deſire me for their advocate. The other point, whom Verres moſt dreads in the capacity of accuſer, may, perhaps, be thought obſcure. Did ever man ſtruggle more earneſtly in a cauſe where both his honour and life were concerned, than he and his friends, to have my ſervice ſet aſide in the preſent trial? There are many things, Verres imagines in me, of which he knows you, Cæcilius, to be deſtitute. But of theſe, and the manner in which they exiſt in us both, I ſhall ſoon have occaſion to ſpeak. At preſent I ſhall only ſay, what you yourſelf muſt tacitly allow; that there is nothing in me which he can contemn, nothing in you which he ought to dread. Hence his great friend and champion Hortenſius ſolicits for you, and oppoſes me. He openly demands of the Judges, to give you the preference; and pretends, that in this he acts fairly, without jealouſy or reſentment. I aſk not, ſays he, what I am wont to obtain, when I plead with earneſtneſs: I aſk not that the criminal ſhould be acquitted; but only that he ſhould be impeached by this man, rather than the other. Grant me but this; grant what is eaſy, honourable, and ſafe; and, in ſo doing, you will, without danger or infamy to yourſelves, ſecure the abſolution of him whoſe cauſe I eſpouſe. And that fear as well as favour may determine you to a compliance, he ſays there are certain Judges in court, to whom he is reſolved the ſuffrages ſhall be ſhewn. That this is an

eaſy

NOTES.

acquit; C, if they condemned; and N, L, that is, *non liquet*, if the cauſe appeared doubtful. Theſe tablets were delivered to the proper officer, who put them into an urn;

tabellam dari cerâ legitimâ, non illâ infami ac nefaria. Atque is non tam propter Verrem laborat, quàm quòd eum minimè res tota delectat. Videt enim ſi à (13.) pueris nobilibus, quos adhuc eluſit, ſi à quadruplatoribus, quos non ſine causâ contempſit ſemper, ac pro nihilo putavit, accuſandi voluntas ad viros forteis, ſpectatoſque homines tranſlata ſit, ſe in judiciis dominari non poſſe.

VIII. Huic ego homini jam antè denuntio, ſi à me cauſam hanc vos agi volueritis, rationem illi defendendi totam eſſe mutandam; & ita tamen mutandam, ut meliore & honeſtiore conditione ſit, quàm qua ipſe eſſe vult: ut imitetur homines eos, quos ipſe vidit ampliſſimos, L. Craſſum, & M. Antonium; qui nihil ſe arbitrabantur ad judicia, cauſaſque amicorum præter fidem & ingenium afferre oportere. Nihil erit, quod, me agente arbitretur judicium ſine magno multorum periculo poſſe corrumpi. Ego in hoc judicio mihi Siculorum cauſam receptam, populi Rom. ſuſceptam eſſe arbitror: ut mihi non unus homo improbus opprimendus ſit, id quod Siculi petivèrunt: ſed omninò omnis improbitas, id quod populus Rom. jam diu flagitat, extinguenda, atque delenda ſit. In quo ego quid eniti, aut quid efficere poſſim, malo in aliorum ſpe relinquere, quàm in oratione meâ ponere. Tu verò, Cæcili! quid potes? quo tempore, aut quâ in re non modo ſpecimen cæteris aliquod dediſti, ſed tute tui periculum feciſti? in mentem tibi non venit, quid negotii ſit cauſam publicam ſuſtinere? vitam alterius totam explicare, atque eam non modo in animis Judicum, ſed etiam in oculis, conſpectuque omnium exponere? ſociorum ſalutem, commoda provinciarum, vim legum, gravitatem judiciorum defendere?

IX. Cognoſce ex me, quoniam hoc primum tempus diſcendi nactus es, quam multa eſſe oporteat in eo, qui alterum accuſet: ex quibus ſi unum aliquod in te cognoveris, ego jam tibi ipſe iſtuc, quod expetis, meâ voluntate concedam. Primùm integritatem, atque innocentiam ſingularem: nihil eſt enim quod minus ferendum ſit, quàm rationem

NOTES.

urn; and, after ſorting them, declared the majority. As to the infamous tablets the orator here ſpeaks of, Aſconius tells us, that Terentius Varro being accuſed of extortion, and defended by Hortenſius, the latter found means to corrupt the Judges; and to make ſure that they fulfilled their engagements, contrived to give them tablets covered over with wax of different colours, that by the letters inſcribed upon each he might know, whether they voted according to agreement.

(13.) *Pueris nobilibus—quadruplatoribus.*] This refers to Appius Claudius, and Cæſar, both young men; the one of whom accuſed Terentius Varro, the other Dolabella. But by the artful management of Hortenſius, who made uſe of the tickets of different colours mentioned above, they were both acquitted. The *quadruplatores* were officers, whoſe buſineſs it was to take cognizance of ſtate crimes, and prepare articles of impeachment againſt the offenders; who, if caſt, forfeited a fourth part of their goods to the accuſers.

(14.

eaſy matter, as they give not in their votes ſingly, but jointly and together. That every Judge is to have a tablet legitimately waxed over, where artifice and treachery can have no place. Nor is all this anxiety ſo much for the ſake of Verres, as from his diſlike to the whole proceeding. For he ſees, that if the buſineſs of accuſation is taken out of the hands of young men of quality whom he has hitherto baffled, and of pettifoggers whom he has always juſtly deſpiſed and ſet at nought, and committed to men of courage and reputation, he can no longer domineer in the courts of juſtice as formerly.

SECT. VIII. And here I think proper to acquaint this gentleman beforehand, that if the cauſe in queſtion is committed to my care, he muſt reſolve upon changing his whole method of defence; and yet the alteration will be ſuch, as may, perhaps, tend more to his honour and reputation than he deſires; by obliging him to an imitation of thoſe great men, whom he has ſeen make ſo diſtinguiſhed a figure in the Forum, Lucius Craſſus, and Marcus Antonius, who thought themſelves at liberty to employ no weapons in defence of their clients, but integrity and eloquence. He ſhall have no reaſon to think, if I am charged with the impeachment, that this bench can be corrupted without great peril to many. In the cauſe now before you, my Lords, though I have indeed undertaken the defence of the Sicilians, yet I conſider myſelf as principally labouring for the Roman people; as endeavouring to cruſh, not a ſingle oppreſſor, which is all the Sicilians have in view, but to exterminate and aboliſh the very name of oppreſſion, which is what the Roman people have long deſired with earneſtneſs. What my efforts or ſucceſs may be, I chuſe rather to leave to the imagination of others, than inſinuate by any expreſſions of my own. But what are you, Cæcilius, able to effect? On what occaſion, or in what cauſe, have you either given proof of your abilities to others, or ſo much as made trial of them yourſelf? Do you reflect upon the difficulties of managing a publick trial? Of unravelling another's whole courſe of life, and fixing it not only in the minds of the Judges, but painting it to the eyes and imagination of all men? Of defending the ſafety of our allies, the rights of provinces, the authority of the laws, and the majeſty of juſtice.

SECT. IX. Learn from me, now that an opportunity of informing yourſelf firſt falls in your way, how many qualifications are required in the man who undertakes a publick accuſation: And if you can with juſtice lay claim to any one of them, I ſhall frankly give up the point in debate. Firſt, an unblemiſhed innocence and integrity: for nothing can be more abſurd, than for a man to

rationem ab altero vitæ repoſcere eum, qui non poſſit ſuæ reddere. Hîc ego de te plura non dicam: unum illud credo omnes animadvertere, te adhuc ab nullis niſi à Siculis potuiſſe cognoſci: Siculos hoc dicere, cum eidem ſint irati, cui tu te inimicum eſſe dicis, ſeſe tamen, te actore, ad judicium non affuturos. Quare negent, ex me non audies: hos patere id ſuſpicari, quod neceſſe eſt. Illi quidem (ut eſt hominum genus nimis acutum & ſuſpicioſum) non te ex Siciliâ literas in Verrem deportare velle arbitrantur, ſed cùm iiſdem literis illius prætura & tua quæſtura conſignata ſit, (14.) aſportare te velle ex Siciliâ literas ſuſpicantur. Deinde accuſatorem firmum verumque eſſe oportet. Eum ego ſi te putem cupere eſſe, facilè intelligo eſſe non poſſe. Nec ea dico, quæ ſi dicam, tamen infirmare non poſſis, te, antequàm de Siciliâ deceſſeris, in gratiam rediiſſe cum Verre: Potamonem ſcribam, & familiarem tuum retentum eſſe à Verre in provinciâ, cùm tu decederes: M. Cæcilium, fratrem tuum, lectiſſimum atque ornatiſſimum adoleſcentem, non modò non adeſſe, neque tecum tuas injurias perſequi, ſed eſſe cum Verre, cum illo familiariſſimè, atque amiciſſimè vivere. Sunt hæc & alia in te falſi accuſatoris ſigna permulta: quibus ego nunc non utor. Hoc dico, te, ſi maximè cupias, tamen verum accuſatorem eſſe non poſſe. Video enim permulta eſſe crimina, quorum tibi ſocietas cum Verre ejuſmodi eſt, ut ea in accuſando attingere non audeas.

X. Queritur Sicilia tota, C. Verrem ab aratoribus, cùm frumentum ſibi in cellam imperaviſſet, & cùm eſſet tritici modius H. S. ii. pro frumento in modios ſingulos duodenos ſeſtertios exegiſſe. Magnum crimen! ingens pecunia! furtum impudens! injuria non ferenda! ego hoc uno crimine illum condemnem neceſſe eſt. Tu, Cæcili, quid facies? Utrum hoc tantum crimen prætermittes, an objicies? Si objicies, idne alteri crimini dabis, quod eodem tempore in eâdem provinciâ tu ipſe feciſti? audebis ita accuſare alterum, ut quominus tute condemnere, recuſare non poſſis? Sin prætermittes; qualis erit iſta tua accuſatio, quæ domeſtici periculi metu, certiſſimi, & maximi criminis non modò ſuſpicionem, verùm etiam mentionem

NOTES.

(14.) *Aſportare te velle ex Sicilia literas ſuſpicantur.*] When any perſon was admitted to act as an accuſer, the prætor impowered him to ſeal up and ſend to Rome, all papers that related to the impeachment. Now, as Cæcilius's behaviour during his quæſtorſhip was far from being blameleſs, and the evidences of Verres's guilt would ſerve likewiſe to expoſe his crooked arts; there was reaſon to ſuſpect, that inſtead of carrying theſe papers to Rome, he would contrive to deſtroy them, in order to prevent their being produced afterwards againſt himſelf.

(15.)

call in queſtion the life of another, who is unable to give a good account of his own. I will make no particular application of this to you. One thing I believe is taken notice of by all, that the Sicilians are the only people who have had an opportunity of knowing you: And yet theſe very Sicilians declare, that exaſperated as they are at the man to whom you pretend yourſelf an enemy, were you to be his accuſer, not one of them would be preſent at the trial. The reaſons of this refuſal I am not willing to repeat. It is evident they ſuſpect, what indeed they cannot avoid ſuſpecting. As they are a ſhrewd ſuſpicious ſet of men, they imagine you would not bring teſtimonies from Sicily againſt Verres; but, ſeeing the acts of his prætorſhip and your queſtorſhip are regiſtered in the ſame journals, rather ſuſpect you would ſecrete their records. An accuſer ought likewiſe to be a man of firmneſs and veracity. Were I diſpoſed to think well of your intentions this way, I eaſily perceive that no ſuch qualifications can belong to you. Nor do I mention thoſe circumſtances, which, if mentioned, you could not diſprove: that, before you left Sicily, you was reconciled to Verres: that Potamo, your ſecretary and confident, remained with Verres in the province after your departure: that Marcus Cæcilius, your brother, a moſt hopeful and accompliſhed youth, is not only not preſent and not aſſiſting in proſecuting your injuries, but is now actually with Verres, and lives there in the ſtricteſt friendſhip and familiarity. Theſe, and many other preſumptions of a ſuborned accuſer, which I omit at preſent, are to be found in you. This however I maintain, that were your inclinations never ſo good, it is impoſſible you ſhould acquit yourſelf honeſtly in the preſent trial. For I perceive a great many crimes, in which you are ſo much an accomplice with Verres, that you dare not touch upon them in the impeachment.

SECT. X. All Sicily complains, that Verres, when he had ordered his magazines to be filled, and corn was at two ſeſterces a buſhel, extorted money of the farmers at the rate of twelve. An enormous abuſe, an exorbitant ſum, a bare-faced robbery, an inſupportable injuſtice! This ſingle crime, in my judgment, were ſufficient to condemn him. But how do you intend to behave, Cæcilius? Will you object, or paſs over this crying injuſtice? If you object it, do you not charge another with a crime, of which you was yourſelf guilty at the ſame time, and in the ſame province? Will you venture to accuſe another in ſuch manner, as muſt needs draw the ſame degree of guilt upon yourſelf? But if you paſs it over, of what nature muſt that accuſation be, which, from an apprehenſion of perſonal danger, dreads not only the ſuſpicion, but

nem ipſam pertimeſcat? (15.) Emptum eſt ex S.C. frumentum ab Siculis Prætore Verre, pro quo frumento pecunia omnis ſoluta non eſt. Grave eſt hoc crimen in Verrem, grave me agente: te accuſante nullum. Eras enim tu Quæſtor: pecuniam publicam tu tractabas: ex quâ etiamſi cuperet Prætor, tamen ne qua deductio fieret, magnâ ex parte tua poteſtas erat. Hujus quoque igitur criminis, te accuſante, mentio nulla fiet. Silebitur toto judicio de maximis & notiſſimis illius furtis & injuriis. Mihi crede, Cæcili, non poteſt in accuſando ſocios verè defendere is, qui cum reo criminum ſocietate conjunctus eſt. Mancipes à civitatibus pro frumento pecuniam exegêrunt. Quid? hoc, Verre Prætore, factum eſt ſolum? non: ſed etiam Quæſtore Cæcilio. Quid igitur? daturus es huic crimini, quod & potuiſti prohibere ne fieret, & debuiſti? an totum id relinques? Ergo id omninò Verres in judicio ſuo non audiet, quod cùm faciebat, quemadmodum defenſurus eſſet, non reperiebat.

XI. Atque ego hæc, quæ in medio poſita ſunt, commemoro. Sunt alia magis occulta furta, quæ ille, ut iſtius, credo animos, atque impetus retardaret, cum quæſtore ſuo benigniſſimè communicavit. Hæc tu ſcis ad me eſſe delata: quæ ſi velim proferre, facilè omnes intelligent, vobis inter vos non modò voluntatem fuiſſe conjunctam, ſed ne prædam quidem adhuc eſſe diviſam. Quapropter ſi tibi indicium poſtulas dari, quod tecum una fecerit; concedo, ſi id lege permittitur: ſin autem de accuſatione dicimus; concedas oportet iis, qui nullo ſuo peccato impediuntur, quo minùs alterius peccata demonſtrare poſſint. Ac vide, quantum interfuturum ſit inter meam atque tuam accuſationem. Ego, etiam quæ tu ſine Verre commiſiſti, Verri crimini daturus ſum, quod te non prohibuerit, cùm ſummam ipſe haberet poteſtatem: tu contrà, ne quæ ille quidem fecit objicies, ne quâ ex parte conjunctus cum eo reperiare. Quid illa, Cæcili? contemnenda-ne tibi videntur eſſe, ſine quibus cauſa ſuſtineri, præſertim tanta, nullo modo poteſt? aliqua facultas agendi, aliqua dicendi conſuetudo, aliqua in foro, judiciis, legibus, aut ratio, aut exercitatio? Intelligo quam ſcopuloſo, difficilique in loco verſer: nam cùm omnis arrogantia odioſa eſt, tum illa ingenii, atque eloquentiæ multò moleſtiſſima. Quamobrem nihil dico de meo ingenio, neque eſt quod poſſim dicere, neque ſi eſſet, dicerem: aut

NOTES.

(15.) *Emptum eſt ex S.C. frumentum ab Siculis.*] Sicily paid to the Romans, by way of tribute, a tenth part of her corn. But as the iſland abounded in grain, and was in a manner the ſtorehouſe of Rome, they were likewiſe obliged, by a decree of ſenate, to allow another tenth for the uſe of the ſtate; for which they were to receive a fixed price. Verres, it ſeems, exacted this tenth; but, inſtead of paying for it, as uſual, converted the money to his own private uſe.

(16.)

the very mention of a notorious and crying injuſtice? By a decree of the ſenate, a quantity of corn was bought from the Sicilians under the prætorſhip of Verres, for which complete payment was never made. This is a heavy article againſt Verres; heavy, if objected by me; but of no avail, if by you. For you was then queſtor; you had the management of the publick money; and it depended in a great meaſure upon you to prevent any abatement, ſuppoſing even the prætor had deſired it. This crime will likewiſe paſs unmentioned in your accuſation. His greateſt and moſt notorious frauds and exactions will not be ſo much as objected to him in the trial. Believe me, Cæcilius, he is ill qualified to defend the rights of the allies in an impeachment, who is himſelf an aſſociate with the accuſed in his crimes. The farmers of the revenue extorted money from the cities, inſtead of corn. Was this done only during the prætorſhip of Verres? No; but alſo during the queſtorſhip of Cæcilius. Will you then charge him with a crime, which you both could and ought to have prevented? Or, will you entirely ſuppreſs this article? Verres will therefore hear no mention in his trial of a crime, which, at the time of committing it, he was conſcious he could not defend.

SECT. XI. But I only ſpeak of notorious and known facts. There are others of a more private nature, in which Verres kindly ſhared with his quæſtor, to ſtifle his heat and reſentment. You know I am informed of all theſe; and were I to diſcloſe them at this time, it would appear that you were not only confederates in guilt, but that part of the plunder remains yet to be divided. If, therefore, you deſire to be admitted an evidence as to theſe points, I have nothing to object, provided the laws allow it. But if the diſpute regards the impeachment, you muſt leave that to thoſe, who are deterred by no crimes of their own, from laying open the guilt of another. Think only of the difference between your accuſation and mine. I mean to charge Verres with the crimes committed by you, without his participation; becauſe, though the chief command reſided in him, he did not prevent them. You, on the contrary, will not ſo much as object his perſonal guilt, leſt you ſhould be found in any inſtance an accomplice with him. But ſay, Cæcilius, do you make no account of theſe qualifications, without which a cauſe, eſpecially one ſo important, cannot be ſuſtained: The practice of the forum: The exerciſe of ſpeaking: The knowledge of our laws, conſtitution, and courts of judicature? I know what a rugged and dangerous path I am got into; for as arrogance of every kind is hateful, ſo in a particular manner that of wit and eloquence. I ſhall therefore ſay nothing of my own talents: There

aut enim id mihi ſatis eſt, quod eſt de me opinionis, quidquid eſt; aut ſi id parum eſt, ego majus id commemorando facere non poſſum.

XII. De te, Cæcili, jam mehercule, hoc extra hanc contentionem, certamenque noſtrum familiariter tecum loquar. Tu ipſe quemadmodum exiſtimes, vide etiam atque etiam, & tu te collige, & qui ſis, & quid facere poſſis conſidera. Putas-ne te poſſe de maximis, acerbiſſimiſque rebus, cùm cauſam ſociorum fortunaſque provinciæ, jus populi Rom. gravitatem judicii legumque ſuſceperis, tot res, tam graveis, tam varias, voce, memoriâ, conſilio, ingenio, ſuſtinere? Putas-ne te poſſe, quæ C. Verres in quæſturâ, quæ in legatione, quæ in prætura, (16.) quæ Romæ, quæ in Italiâ, quæ in Achaiâ, Aſiâ, Pamphyliâque patrârit, ea quemadmodum locis temporibuſque diviſa ſint, ſic criminibus, & oratione diſtinguere? Putas-ne te poſſe, id quod in ejuſmodi reo maximè neceſſarium eſt, facere, ut, quæ ille libidinosè, quæ nefariè, quæ crudeliter fecerit, ea æquè acerba, & indigna videantur eſſe iis, qui audient, atque illis viſa ſunt, qui ſenſerunt? magna ſunt ea, quæ dico, mihi crede; noli hæc contemnere: dicenda, demonſtranda, explicanda ſunt omnia: cauſa non ſolùm exponenda, ſed etiam graviter, copioſeque agenda eſt; perficiendum eſt, ſi quid agere aut perficere vis, ut homines te non ſolùm audiant, verùm etiam libenter ſtudioſeque audiant. In quo ſi te multum natura adjuvaret, ſi optimis à pueritiâ diſciplinis atque artibus ſtuduiſſes, & in his elaboráſſes, ſi literas Græcas, (17.) Athenis, non Lilybæi, Latinas Romæ, non in Siciliâ didiciſſes: tamen eſſet magnum, tantam cauſam, tam exſpectatam, & diligentiâ conſequi, & memoriâ complecti, & oratione exponere, & voce & viribus ſuſtinere. Fortaſſe dices, Quid? ergo hæc in te ſunt omnia? Utinam quidem eſſent: verumtamen ut eſſe poſſent, magno ſtudio mihi à pueritiâ eſt elaboratum. Quod ſi ego hæc propter magnitudinem rerum, ac difficultatem aſſequi non potui, qui in omni vitâ nihil aliud egi, quàm longè tu te ab his rebus abeſſe arbitrare, quas non modo anteà nunquam cogitâſti, ſed ne nunc quidem, cum in eas ingrederis, quæ & quantæ ſint, ſuſpicari potes?

XIII.

NOTES.

(16.) *Quæ Romæ, quæ in Italiâ, quæ in Achaiâ, Aſiâ, &c.*] Cicero refers here to the different offices through which Verres had paſſed, in all which his conduct had been infamous and corrupt. He was quæſtor to Carbo in the conſular province, and Dolabella's lieutenant in Aſia. He had exerciſed the office of prætor at Rome, and in Italy, and acted with a publick character in Achaia, and the provinces of Aſia minor.

(17.) *Athenis, non Lilybæi, Romæ, non in Siciliâ.*] Cicero here ſneers at Cæcilius, and inſinuates that his education was at beſt but lame, as he had learnt both Greek and Latin in Sicily, where neither language was ſpoken with purity. Athens was the moſt celebrated among the Greek cities, both for elegance of ſpeech, and the perfection of the ſciences; and Rome was the only place for ſtudying with advantage the Latin tongue.

(18.)

is indeed no room for it; and if it was otherwiſe, I would yet chuſe to be ſilent. It is enough for me that I have a reputation, how ſlender ſoever it may be: or, if that ſuffices not, nothing I can ſay will ſerve to raiſe it.

SECT. XII. As for you, Cæcilius, laying aſide our preſent diſpute and controverſy, I will addreſs you as a friend. Examine your own thoughts carefully; recollect yourſelf; conſider who you are, and what you are capable of. Do you imagine, in a cauſe of ſo much weight and difficulty, where you will be called upon to ſupport the intereſts of the allies, the ſafety of the province, the rights of the Roman people, and the majeſty of the laws and legiſlature; do you imagine, I ſay, that you have eloquence, memory, underſtanding, and capacity ſufficient for the management of ſo many, ſo various, and ſuch complicated points? Do you imagine, when you come to lay open the abuſes of Verres, in his queſtorſhip, in his prætorſhip, as lieutenant to Dolabella, at Rome, in Italy, in Achaia, Aſia, and Pamphylia, that you will be able to deſcribe and point them out in your impeachment, in like manner as they are diſtinguiſhed as to time and place? And, which is indiſpenſably neceſſary in a proſecution of this kind, do you imagine yourſelf capable to draw ſuch a picture of the luſt, cruelty, and wickedneſs of the criminal, that the very hearers ſhall feel the ſame reſentment and indignation, as the perſons who ſuffered under them. Believe me, Sir, theſe are important points of which I ſpeak, and ſuch as I would by no means adviſe you to ſlight. Every circumſtance muſt be laid down, proved and explained. The charge muſt not only be opened, but ſet off with all the flow and dignity of eloquence. If you hope to ſucceed, it is not enough that you are barely heard; you muſt make yourſelf be heard with pleaſure and attention. Were you never ſo happy in the gifts of nature; had you from your earlieſt youth been trained in all the liberal arts and ſciences, and improved them by continual ſtudy; had you learned Greek at Athens, inſtead of Lilybæum; Latin at Rome, inſtead of Sicily; it would yet be a mighty acquiſition, to maſter by your diligence a cauſe of much weight and expectation, to comprehend it in your memory, explain it by your eloquence, and ſuſtain it with all the advantages of action and utterance. Perhaps you will tell me, what? Do all theſe qualities then meet in you? I wiſh indeed they did! however, I have earneſtly laboured from my childhood to attain them. But if I, who have employed my whole life in this purſuit, have not been able to ſucceed by reaſon of their weight and difficulty; how very remote muſt you be, who not only never thought of them before, but now, that you are engaged in them, cannot ſo much as comprehend their nature and importance?

SECT.

XIII. Ego, qui, ſicut omnes ſciunt, in foro judiciiſque ita verſer, ut ejuſdem ætatis aut nemo, aut pauci plureis cauſas defenderint, & qui omne tempus quod mihi ab amicorum negotiis datur, in his ſtudiis laboribuſque conſumam, quo paratior ad uſum forenſem promptiorque eſſe poſſim; tamen, ita Deos mihi velim propitios, ut cùm illius diei mihi venit in mentem, quo die, citato reo, mihi dicendum ſit, non ſolùm commoveor animo, ſed etiam toto corpore perhorreſco. Jam nunc mente, & cogitatione proſpicio, quæ tum ſtudia hominum, qui concurſus futuri ſint, quantam exſpectationem magnitudo judicii ſit allatura, quantam auditorum multitudinem C. Verris infamia concitatura, quantam denique audientiam orationi meæ improbitas illius factura ſit. Quæ cum cogito, jam nunc timeo, quidnam pro offenſione hominum, qui illi inimici, infenſique ſunt, & exſpectatione omnium, & magnitudine rerum dignum eloqui poſſim. Tu horum nihil metuis, nihil cogitas, nihil laboras: & ſi quid ex vetere aliquâ oratione, (18.) JOVEM EGO OPTIMUM MAXIMUM; aut VELLEM, SI FIERI POTUISSET, JUDICES, aut aliquid ejuſmodi ediſcere potueris, præclarè te paratum in judicium venturum arbitraris. Ac ſi tibi nemo reſponſurus eſſet, tamen ipſam cauſam, ut ego arbitror, demonſtrare non poſſes. Nunc ne illud quidem cogitas, tibi cum homine diſertiſſimo, & ad dicendum paratiſſimo futurum eſſe certamen, quicum modò diſſerendum, modò omni oratione pugnandum, certandumque ſit? Cujus ego ingenium ita laudo, ut non pertimeſcam: ita probo, ut me ab eo delectari facilius, quam decipi putem poſſe.

XIV. Nunquam ille me opprimet conſilio: nunquam ullo artificio pervertet: nunquam ingenio me ſuo labefactare, atque infirmare conabitur: novi omneis hominis petitiones, rationeſque dicendi: ſæpè in iiſdem, ſæpè in contrariis cauſis verſati ſumus. Ita contra me ille dicet, quamvis ſit ingenioſus, ut nonnullum etiam de ſuo ingenio judicium fieri arbitretur. Te verò, Cæcili, quemadmodum ſit eluſurus, quàm omni ratione jactaturus, videre jam videor: quoties ille tibi poteſtatem optionemque facturus ſit, ut eligas utrum velis factum eſſe, nec-ne; verum eſſe, an falſum: utrum dixeris, id contra te futurum. Qui tibi æſtus, qui error, quæ tenebræ, Dii immortales, erunt, homini minime malo? (19.) Quid? cùm

NOTES.

(18.) *Jovem ego optimum maximum.*] Cicero in this paſſage ridicules Cæcilius, whom he repreſents as a common-place orator, who thought he had acquitted himſelf well, if he made uſe of the phraſes in repute among ordinary pleaders; with whom it was uſual to begin their ſpeech, either by invoking the gods:

Præfatus divos, ſolio rex infit ab alto.

Or, by reprehending the prevailing vices of the times:

Vellem cum primis fieri ſi fors potuiſſet.

(19.) *Quid? cum accuſationis tuæ membra dividere cœperit?*] Cicero here carries his raillery againſt Cæcilius ſo far, as even to

SECT. XIII. Though, as all know, my practice in the Forum and publick trials has been ſuch, that few or none of the ſame age have been concerned in more cauſes; and though I have employed all the time I could ſpare from the buſineſs of my friends, in theſe ſtudies and occupations, that I might be expert and ready at the practice of the bar; yet may I never enjoy the favour of heaven, if, as often as I reflect upon the day when I muſt appear againſt the accuſed, I do not feel, not only a great anxiety upon my mind, but a trembling in every joint. Already I figure to myſelf the eagerneſs and curioſity of the publick upon this occaſion; what an expectation the importance of the trial will raiſe; what crowds of people the infamy of Verres will draw together; in fine, what an attention the detail of his villainies will beget to my diſcourſe. All which when I reflect upon, I am under no ſmall concern, how I ſhall acquit myſelf ſuitable to the importance of the trial, the expectations of the publick, and the reſentment of thoſe whom he has irritated and provoked by his oppreſſions. You have no anxiety, apprehenſion, or trouble about theſe things; and if you but learn from ſome antiquated oration, *I call to witneſs the all-powerful Jupiter*, or, *my Lords, I could heartily wiſh*, or ſome ſuch common-place phraſe, you imagine you come abundantly prepared for the trial. It is my opinion, that if no one was to oppoſe you, you are yet incapable of making good the charge. But now you never ſo much as reflect, that you are to enter the liſts with a man of conſummate eloquence, and thoroughly prepared for his client's defence; one with whom you muſt argue, canvaſs, and ſettle every point; whoſe capacity I praiſe, without dreading it; and whoſe eloquence, I allow, may charm me, but can never impoſe upon my judgment.

SECT. XIV. Never ſhall his meaſures diſconcert, never his arts baffle me; nor will he even attempt to weaken and undermine me by his abilities. I know all his methods of attack, all the artifice of his pleading. We have often been concerned in the ſame, often in contrary cauſes. Great as his abilities are, he will yet oppoſe me in ſuch manner, as to ſhew he is not without ſome dread of his adverſary. But as for you, Cæcilius, I already figure to myſelf, in what manner he will diſconcert and perplex you. As often as he leaves to your choice, to admit or deny a fact, to agree to or reject a propoſition, which ſide ſoever you take, you will ſtill find it make againſt you. Immortal Gods! What confuſion, what uncertainty,

NOTES.

laugh at Hortenſius, who numbered the heads of his defence upon his fingers: A very ſhrewd ſucceſsful way of rendering a great man ridiculous. (20.)

cùm accuſationis tuæ membra dividere cœperit, & in digitis ſuis ſingulas parteis cauſæ conſtituere? quid, cum unumquodque tranſigere, expedire, abſolvere? ipſe profectò metuere incipies, ne innocenti periculum faceſſeris. Quid, cùm commiſerari, conqueri, & ex illius invidiâ deonerare aliquid, & in te trajicere cœperit? commemorare Quæſtoris cum Prætore neceſſitudinem conſtitutam? morem majorum? ſortis religionem? poteris-ne ejus orationis ſubire invidiam? Vide modo, etiam atque etiam conſidera; mihi enim videtur periculum fore, ne ille non modò verbis te obruat, ſed geſtu ipſo, ac motu corporis præſtringat aciem ingenii tui, teque ab inſtitutis tuis, cogitationibuſque abducat. Atque hujuſce rei judicium jam continuò video futurum. Si enim mihi hodie reſpondere ad hæc, quæ dico, potueris: ſi ab iſto libro, quem tibi magiſter ludi, neſcio quis, ex alienis orationibus compoſitum dedit, verbo uno diſceſſeris: poſſe te, & illi quoque judicio non deeſſe, & cauſæ atque officio tuo ſatisfacere arbitrabor. Sin mecum in hâc proluſione nihil fueris; quem te in ipsâ pugnâ cum acerrimo adverſario fore putemus?

XV. Eſto: ipſe nihil eſt, nihil poteſt: at venit paratus (20) cum ſubſcriptoribus exercitatis & diſertis. Eſt tamen hoc aliquid: tametſi non eſt ſatis. Omnibus enim rebus is, qui princeps in agendo eſt, ornatiſſimus & paratiſſimus eſſe debet. Verumtamen L. Apuleium eſſe video proximum ſubſcriptorem, hominem non ætate, ſed uſu forenſi, atque exercitatione tyronem. Deinde, ut opinor, habet Allienum: hunc tamen à ſubſelliis: qui quid in dicendo poſſet, nunquam ſatis attendi: in clamando quidem video eum eſſe bene robuſtum, atque exercitatum. In hoc ſpes tuæ ſunt omnes: hic, ſi tu eris actor conſtitutus, totum judicium ſuſtinebit. Ac ne is quidem tantum contendet in dicendo, quantum poteſt: ſed conſulet laudi & exiſtimationi tuæ, & ex eo quod ipſe poteſt in dicendo, aliquantum remittet, ut tu tandem aliquid eſſe videare. Ut in actoribus Græcis fieri videmus, ſæpè illum qui eſt ſecundarum, aut tertiarum

NOTES.

(20.) *Cum ſubſcriptoribus exercitatis & diſertis.*] The ſolicitors were thoſe who aſſiſted the accuſer to manage the accuſation; and none were allowed to take this office upon them, till they had received a power of ſo doing from the judges. Cicero here obſerves, that as they had only an under part to act, it was againſt the rules of propriety to ſee them ſurpaſs the principal manager of the trial; which yet muſt happen to Cæcilius, whoſe abilities were no way equal to the taſk of conducting an impeachment. Some of thoſe ſolicitors are named and characterized here: as *Apuleius*, of whom we have no accounts that can be relied on; only from Cicero's words we may conclude, that he was both an old man, and a bad orator. *Allienus*, another of the ſolicitors, is deſcribed as one concerned only in petty trials: for, according to Nonius, the tribunes, the quæſtors, and inferior judges, ſat on forms or *ſubſellia*, and not in the *ſellæ curules*, or the Roman chairs of ſtate. Cicero deſires the judges to take notice, what kind of trial the preſent was like to prove, if left to the management of Cæcilius; when even Allienus, a mere pettifogger, and diſtinguiſhed only by ſtrength of lungs, would

certainty, what darkneſs will the good man fall into? How will he be amazed, when his adverſary begins to digeſt the different heads of the accuſation, and arrange upon his fingers the ſeveral parts of the cauſe? When he ſets himſelf to examine, prove, and diſcuſs every article? You will even begin to ſuſpect that you have brought an innocent man into danger. Say, when he ſhall endeavour to excite pity and compaſſion, and to throw ſome of the publick odium from Verres upon you. When he ſhall urge the ſacred tye of Quæſtor and Prætor; the practice of our anceſtors; and the awful deciſion of the provincial lot. Will you be able to bear the load of hatred his diſcourſe muſt bring upon you? Conſider with yourſelf, reflect again and again: for to me there ſeems great danger, not only of his diſconcerting you with his pleading, but of his confounding your very ſenſes by his action and geſture, and driving you from all your purpoſes and reſolves. But I perceive we are ſoon to have a ſpecimen of what may be expected from you. For if you anſwer to the purpoſe, what I have advanced againſt you; if you depart one word from that ſcroll of pilfered pleadings, which I know not what pedagogue has put into your hands; I ſhall then allow, that you may acquit yourſelf well in the preſent trial, and be equal to the cauſe and province you have undertaken to manage. But if in this prelude you ſhall prove nobody, what can we expect from you in the engagement itſelf againſt a formidable adverſary?

XV. But, perhaps, I ſhall be told: Cæcilius indeed is nothing; can do nothing; but he comes, backed with able and expert ſolicitors. This, I own, is ſomething; yet it is far from being ſufficient. For, in all affairs, he that holds the firſt rank, ought to be every way ready and prepared. But I find Lucius Apuleius is his firſt ſolicitor, a man in years indeed, but a meer novice in the practice and buſineſs of the Forum. His next, I think, is Allienus, hitherto concerned only in petty trials; and whoſe eloquence, I am very little acquainted with. I perceive, indeed, that he is well trained and exerciſed in bawling. All your hopes reſt upon him. If the cauſe is committed to your management, he will ſuſtain the whole weight of the proſecution. And yet he will not exert his utmoſt in pleading, but ſhew a proper regard to your character and reputation, and check in ſome degree the impetuoſity of his eloquence, that you may have an opportunity of ſhining. As it often happens among the Greek actors; when a perſon appointed

NOTES.

yet be neceſſitated to contract his talents, and check the ſallies of his genius, in order that the other might preſerve ſome character of diſtinction in the courſe of the pleadings.

(21.)

tiarum partium, cùm poſſit aliquantò clariùs dicere, quam ipſe primarum, multum ſummittere, ut ille princeps quàm maxime excellat: ſic faciet Allienus: tibi ſerviet, tibi lenocinabitur, minùs aliquantò contendet, quàm poteſt. Jam hoc conſiderate, cujuſmodi accuſatores in tanto judicio ſimus habituri: cum & ipſe Allienus ex eâ facultate, ſi quam habet, aliquantùm detracturus ſit, & Cæcilius tum denique ſe aliquid futurum putet, ſi Allienus minùs vehemens fuerit, & ſibi primas in dicendo parteis conceſſerit. Quartum quem ſit habiturus, non video, niſi quem forte ex illo grege Oratorum, qui ſubſcriptionem ſibi poſtulârunt, cuicumque vos delationem dediſſetis. (21.) Ex quibus alieniſſimis hominibus, ita paratus venis, ut tibi hoſpes aliquis ſit recipiendus. Quibus ego non ſum tantum honorem habiturus, ut ad ea quæ dixerint, certo loco, aut ſingulatim unicuique reſpondeam. Sic breviter, quoniam non conſulto, ſed caſu, in eorum mentionem incidi, quaſi præteriens ſatisfaciam univerſis.

XVI. Tantâ-ne vobis inopiâ videor eſſe amicorum, ut mihi non ex his, quos mecum adduxerim, ſed de populo ſubſcriptor addatur? vobis autem tanta inopia reorum eſt, ut mihi cauſam præripere conemini potiùs, quàm aliquos (22.) à columnâ. Mœniâ veſtri ordinis reos reperiatis? Cuſtodem, inquit, Tullio me apponite. Quid? mihi quam multis cuſtodibus opus erit, ſi te ſemel ad meas capſas admiſero? qui non ſolum nè quid enunties, ſed etiam nè quid auferas, cuſtodiendus ſis. Sed de iſto cuſtode toto ſic vobis breviſſimè reſpondebo: non eſſe hos tales viros commiſſuros, ut ad cauſam tantam à me ſuſceptam, mihi creditam, quiſquam ſubſcriptor, me invito, aſpirare poſſit. Etenim fides mea cuſtodem repudiat, diligentia ſpeculatorem reformidat. Verum, ut ad te, Cæcili, redeam, quam multa te deficiant, vides: quam multa ſint in te, quæ reus nocens in accuſatore ſuo cupiat eſſe, profecto jam intelligis. Quid ad hæc dici poteſt? non enim quæro quid tu dicturus ſis. Video mihi non te, ſed hunc librum eſſe reſponſurum, quem monitor tuus hic tenet: qui, ſi te rectè monere volet, ſuadebit tibi, ut hinc diſcedas,

NOTES.

(21.) *Ex quibus alieniſſimis hominibus*] That is, men unacquainted with the buſineſs of the Forum, and ſtrangers to the forms and management of a publick trial. Our orator here plays a little with words, and puns upon the name of *Allienus*, i. e. *ſtrange*; which he inſinuates expreſſes the real character of the man, who was indeed a ſtranger to the buſineſs of impeachments. This art of amuſing a bench, low and trivial as it may appear, ſeems to have been much in uſe at Rome, and was often very ſucceſsful.

(22.) *A columnâ Mœniâ.*] The Mœnian column ſtood in the Forum, and was ſo called from one Mœnius, who having ſold his houſe to Flaccus and Cato the cenſors, whoſe deſign was to build a temple there, reſerved one pillar for himſelf and his poſterity, as a place whence they might behold the publick ſhows. At this pillar thieves, or ſervants who had been guilty of ſome fault, were puniſhed by the Triumviri. At it impeachments were laid againſt the leſs notorious offenders; and it was frequented by the

to play an inferior character, though capable of eclipſing him that has the firſt, chuſes yet to conceal his art, that the principal parts may appear with all poſſible advantage. Such will be the conduct of Allienus: He will ſtudy to act only an under-part in this affair; he will endeavour to ſet you off to advantage; and, to that end, will abate a little of his wonted force. Conſider then, my Lords, what proſecutors we are like to have in this important trial, where even Allienus will ſuppreſs ſome part of his eloquence, if in truth we can allow him any; and where Cæcilius can only hope to make a figure, if Allienus abates of his uſual vehemence, and leaves the principal part to him. Who is to act as fourth ſolicitor, I cannot tell, unleſs perhaps ſome one of thoſe common retainers to cauſes, who watch for employment under the proſecutor, to whomſoever that part is adjudged. And yet with the aid of theſe men, ſtrangers as they are to the buſineſs of the Forum, you think yourſelf abundantly prepared to entertain the publick. But I ſhall not honour them ſo far, as to anſwer them ſingly and by turns. This ſlight notice, as I mentioned them by accident, not deſign, ſhall ſuffice for them all.

SECT. XVI. Am I ſo very deſtitute, do you imagine, of friends, as to be obliged to take a ſolicitor, not from among thoſe who now attend me, but from the dregs of the people? And are you in ſuch want of clients, as rather to aim at wreſting this cauſe out of my hands, than enquire after ſome criminal of your own rank from the Menian column? Appoint me, ſays he, a ſpy upon Tully. A ſpy, indeed! how many muſt I keep in pay, were you to have acceſs to my cabinet? Since not your tongue only, but your fingers too require to be watched. But as to this whole race of ſpies, I will thus anſwer you in ſhort; that ſuch men as this court is compoſed of will never ſuffer any ſolicitor to aſpire at employment under me againſt my inclination, in a cauſe of ſo great importance, undertaken by, and entruſted to me. For my honeſty diſdains a ſpy, and my diligence daunts an informer. But to return to you, Cæcilius, you ſee how many are your defects; you muſt ſurely by this time be ſenſible how many reaſons the criminal has to wiſh you for an accuſer. What anſwer can be made to this? I aſk not what anſwer you can make; for I ſee it is not from you, but from the book which your prompter holds, that we are to expect an anſwer: But if it prompts you right, it will adviſe you to leave this place,

NOTES.

he moſt profligate and abandoned ſet of wretches.

(*Ibid.*) *Cuſtodem, inquit, Tullio me appoite.*] It was cuſtomary among the Romans, to ſet ſpies upon the accuſers, that ſo they might not have an opportunity of being corrupted, or bribed. Of theſe ſpies the accuſed had the nomination.

cedas, neque mihi verbum ullum reſpondeas. Quid enim dices? an id quod dictitas, injuriam tibi feciſſe Verrem? Arbitror; neque enim eſſet veriſimile, cum omnibus Siculis faceret injurias, te illi unum eximium, cui conſuleret, fuiſſe. Sed cæteri Siculi ultorem ſuarum injuriarum invenerunt: tu, dum tuas injurias per te, id quod non potes, perſequi conaris, id agis, ut cæterorum quoque injuriæ ſint impunitæ, atque inultæ: & hoc te præteriit, non id ſolum ſpectari ſolere, qui debeat, ſed etiam illud, qui poſcit ulciſci; in quo utrumque ſit, eum ſuperiorem eſſe: in quo alterum, in eo non quid is velit, ſed quid facere poſſit, quæri ſolere. Quod ſi ei potiſſimùm cenſes permitti oportere accuſandi poteſtatem, cui maximam C. Verres injuriam fecerit: utrum tandem cenſes hos Judices graviùs ferre oportere, te ab illo eſſe læſum, an provinciam Siciliam eſſe vexatam, ac perditam? Opinor, concedis, multo hoc & eſſe gravius, & ab omnibus ferri graviùs oportere. Concede igitur, ut tibi anteponatur in accuſando provincia; nam provincia accuſat, cùm is agit cauſam, quem ſibi illa defenſorem ſui juris, ultorem injuriarum, actorem totius cauſæ adoptavit.

XVII. At etiam tibi C. Verres fecit injuriam, quæ cæterorum quoque animos poſſet alieno incommodo commovere. Minime; nam id quoque ad rem pertinere arbitror, qualis injuria dicatur; quæ cauſa inimicitiarum proferatur. Cognoſcite ex me: nam iſte eam profecto, niſi planè nihil ſapit, nunquam proferet. Agonis eſt quædam, Lilybætana, (23.) liberta Veneris Erycinæ: quæ mulier ante hunc quæſtorem copioſa plane & locuples fuit. Ab hâc (24.) præfectus Antonii quidam ſymphoniacos ſervos abducebat per injuriam, quibus ſe in claſſe uti velle dicebat. Tum illa, ut mos in Siciliâ eſt omnium Venereorum, & eorum qui à Venere ſe liberaverunt, ut præfecto illi religionem Veneris, nomenque objiceret, dixit, & ſe, & omnia ſua Veneris eſſe. Ubi hæc Quæſtori Cæcilio, viro optimo, & homini æquiſſimo, nuntiatum eſt; vocari ad ſe Agonidem jubet: judicium dat ſtatim, SI PARERET, eam ſe, & ſua Veneris eſſe dixiſſe. Judicant recuperatores id, quod neceſſe erat; neque

NOTES.

(23.) *Liberta Veneris Erycinæ.*] This Agonis is no where mentioned in hiſtory, except in the paſſage now before us. She is ſaid to be enfranchiſed from the ſervice of Venus, becauſe ſhe had compleated the legal term of her prieſthood, and was therefore abſolved from the obligation of any farther attendance upon the goddeſs. Venus Erycina was ſo called, from Eryx, a high mountain in Sicily, where ſhe had a very rich and celebrated temple.

(24.) *Præfectus Antonii quidam ſymphoniacos ſervos abducebat per injuriam, quibus ſe in claſſe uti velle dicebat.*] The Antony here ſpoken of, before the war with the pirates, was appointed to protect the whole maritime coaſts of the Roman empire. But as he was a man of a proſtigate character, and had a ſet of officers under him of the ſame ſtamp, he unjuſtly attacked the Cretans, and by his ill management periſhed in the attempt. The pretence here uſed for ſeizing the muſick-ſervants, was owing to the cuſtom of exerciſing the rowers by the ſound of inſtruments, which were made uſe of by the ancients on board their fleets, pretty much as the drum is now-a-days in military diſcipline. (25.)

place, without offering at one word of a reply. For what can you alledge? Will you fly to the old pretence, that Verres has injured you? I am ready to grant he did; for it is by no means likely, when his injuries extended to the whole people of Sicily, that you alone ſhould be exempted on this occaſion. But the reſt of the Sicilians have found an avenger of their wrongs: you, while you endeavour to proſecute your own injuries, for which you are no way qualified, are like to be the cauſe that thoſe alſo of others ſhould paſs unpuniſhed and unrevenged: For you ought to conſider, that not the right only, but the power alſo of puniſhing, demands our regard in a caſe of this nature. When both theſe meet in one perſon, he doubtleſs is to be preferred; but where only one of them is found, the choice naturally falls on him who has the moſt power, not who has the beſt will. But if you are of opinion, that the right of accuſation belongs to him who has received the greateſt injury, which do you think ought to weigh moſt with the judges, the wrongs done to you, or the ravages and depredations of a whole province? I believe you will allow, that theſe laſt are far more crying and obnoxious. Yield then the preference in this point, to the province. For the province then accuſes, when the management of the cauſe is committed to him, whom they have choſen as the patron of their rights, the avenger of their wrongs, and their advocate for redreſs of grievances.

SECT. XVII. But you will tell me, perhaps, that the injury you have received from Verres is of ſuch a nature, as cannot fail to rouze reſentment even in the breaſts of others. This I deny; and indeed think it very material to the queſtion in hand, what the nature of the injury is, and what firſt gave riſe to the quarrel. Learn it then of me, my Lords: For he ſure will never diſcloſe it, unleſs he is quite bereft of underſtanding. There was at Lilybæum a lady named Agonis, emancipated from the ſervice of Venus Erycina, and before this man's queſtorſhip in eaſy and plentiful circumſtances. One of Antony's lieutenants violently carried off ſome muſic-ſervants of hers, under pretence that they were wanted for the fleet. The lady, as is uſual in Sicily to all who are or have been in the ſervice of Venus, that ſhe might awe the captain by the name and authority of the goddeſs, told him, that herſelf and eſtate were the property of Venus. When this came to the knowledge of the upright and worthy queſtor, he ordered Agonis to be cited before him, and inſtantly appointed commiſſioners to try, whether ſhe had affirmed, that herſelf and eſtate belonged to Venus. The commiſſioners, as was unavoidable, gave their verdict that ſhe had: For nobody pretended to diſpute the fact. The queſtor upon this takes poſſeſſion of her fortune, ad-

neque enim erat cuiquam dubium, quin illa dixiſſet. Iſte in poſſeſſionem bonorum mulieris mittit: ipſam Veneri in ſervitutem adjudicat: deinde bona vendit, pecuniam redigit. Ita dum pauca mancipia, Veneris nomine, Agonis, ac religione retinere vult, fortunas omneis, libertatemque ſuam iſtius injuria perdidit. Lilybæum Verres venit poſteà; rem cognoſcit: factum improbat: cogit Quæſtorem ſuum pecuniam, quam ex Agonidis bonis redegiſſet, eam mulieri omnem annumerare, & reddere. Eſt adhuc, id quod vos omneis admirari video (25.) non Verres, ſed Q. Mucius; quid enim facere potuit elegantius ad hominum exiſtimationem? æquiùs ad levandam mulieris calamitatem? vehementiùs ad Quæſtoris libidinem coërcendam? Summè hæc omnia mihi videntur eſſe laudanda. Sed repentè è veſtigio ex homine (26.) tanquam aliquo Circæo poculo, factus eſt Verres: redit ad ſe, atque ad mores ſuos: nam ex illâ pecuniâ magnam partem ad ſe vertit, mulieri reddidit quantulum viſum eſt.

XVIII. Hic tu, ſi læſum te à Verre eſſe dices; patiar, & concedam: ſi injuriam tibi factam quereris; defendam & negabo. Deinde de injuriâ, quæ tibi facta ſit, neminem noſtrûm graviorem vindicem eſſe oportet, quam teipſum, cui facta dicitur. Si tu cum illo poſteà in gratiam rediſti, ſi domi illius aliquoties fuiſti, ſi ille apud te poſteà cœnavit, utrùm te (27.) perfidioſum, an prævaricatorem exiſtimari mavis? Video eſſe neceſſe alterutrum. Sed ego tecum in eo non pugnabo, quo minùs, utrum velis, eligas. Quid, ſi ne injuriæ quidem, quæ tibi ab illo facta ſit, cauſa remanet? Quid habes, quod poſſis dicere, quamobrem non modò mihi, ſed cuiquam anteponare? niſi fortè illud, quod dicturum te eſſe audio, Quæſtorem illius fuiſſe. Quæ cauſa gravis eſſet, ſi certares mecum, uter noſtrûm illi amicior eſſe deberet. In contentione ſuſcipiendarum inimicitiarum, ridiculum eſt, putare cauſam neceſſitudinis ad inferendum periculum juſtam videri oportere. Etenim ſi plurimas à tuo Prætore injurias accepiſſes; tamen eas ferendo majorem laudem, quam ulciſcendo mererere. Cùm verò nullum illius in vitâ rectius factum ſit, quam id quod tu injuriam appellas; hi ſtatuent hanc cauſam, quam ne in alio quidem probarent, in te, juſtam ad neceſſitudinem

NOTES.

(25.) *Non Verres, ſed Q. Mutius.*] He means, that the prætor acted ſo far, not like Verres, an unjuſt magiſtrate, but with the ſame integrity that Mucius would have done. This Q. Mucius, ſurnamed Scævola, was a man of untainted honour, and known goodneſs; who, for the ſpace of nine months, governed Aſia ſo much to the ſatisfaction of the inhabitants, that they kept a day in honour of him, which they called *dies Mucia*.

(26.) *Tanquam aliquo Circæo poculo factus eſt Verres.*] Cicero here alludes to the famed ſtory of Circe's cup, which her gueſts had no ſooner drank, than ſhe touched them with her rod, and by that means changed them into ſwine. The prætor's name gave occaſion to this piece of low wit in the orator:

judges her the ſlave of Venus, ſells her eſtate, and puts the money into his pocket. Thus Agonis, in endeavouring to preſerve a few ſlaves under the ſanction and authority of Venus, was ſtripped of all her fortunes and liberty by the injuſtice of this man. Some time after Verres comes to Lilybæum, takes cognizance of the fact, reverſes the decree, and obliges his queſtor to refund to the lady all the money that had ariſen from the ſale of her eſtate. Hitherto I perceive indeed, to your ſurprize, he is not Verres, but Q. Mucius. For, what could he do more lovely in the eyes of mankind, more equitable for the relief of the diſtreſſed lady, or more vigorous to check the avarice of his quæſtor? Theſe, to me, ſeem all highly worthy of praiſe. But immediately on the ſpot, as if he had taſted of ſome inchanted cup, he ſinks from Mucius into Verres. He returns to himſelf, and his natural diſpoſition. For he converted the greateſt part of the money to his own uſe, and reſtored to the lady what little he thought proper.

SECT. XVIII. Here, if you ſay that you ſuffered by Verres, I admit and own it; but if you complain that you was injured by him, I diſpute and deny it. Beſides, it does not belong to any of us to be more keen in proſecuting the injury than yourſelf, who were the perſon affected by it. If you was afterwards reconciled to him; if you ſometimes ſupped with him, and he with you; whether do you chuſe to be thought treacherous, or a diſſembler? One of them you muſt be. I ſhall not diſpute about the matter, but leave it to your own choice. But if the very cauſe of the injury which you pretend to have received no longer ſubſiſts, what reaſons can you offer, not only why you ſhould be preferred to me, but to any perſon whatſoever; unleſs perhaps, as I hear you are reſolved to do, that you was his quæſtor? This indeed would be a good plea, was the conteſt who ſhould befriend him moſt. But in a diſpute that regards the right of proſecution, it is ridiculous to imagine, that ſo intimate a tye ſhould be a ſufficient reaſon for your appearing againſt him. Had you even received many injuries from your prætor, it would yet do you more honour to ſubmit, than to revenge them. But when what you term an injury, was one of the moſt meritorious actions of his whole life, ſhall what would not be allowed even in an indifferent perſon, be eſteemed

a

NOTES.

orator: Verres, in Latin, ſignifying an uncaſtrated hog.

(27.) *Perfidioſum, an prævaricatorem.*] *Perfidioſus* ſignifies one, who pretends to be a friend, when he is indeed an enemy. If therefore Cæcilius be ſuch a one, no truſt nor confidence can be repoſed in him. *Prævaricator* is a man, who affects the character of an enemy, when in reality he is a true friend. If this be the caſe with Cæcilius, he is by no means a proper perſon to have the management of the preſent cauſe.

(28.)

ſitudinem violandam videri? qui ſi ſummam injuriam ab illo accepiſti, tamen quoniam Quæſtor ejus fuiſti, non potes eum ſine ullâ vituperatione accuſare; ſi verò nulla tibi facta eſt injuria, ſine ſcelere eum accuſare non potes. Quare cùm incertum ſit de injuriâ, quemquam eſſe horum putas, qui non malit te ſine vituperatione, quàm cum ſcelere diſcedere?

XIX. At vide, quid differat inter meam opinionem ac tuam. Tu, cùm omnibus rebus inferior ſis, hâc unâ in re te mihi anteferri putas oportere, quod Quæſtor illius fueris: ego, ſi ſuperior cæteris rebus eſſes, te hanc unam ob cauſam accuſatorem repudiari putarem oportere. Sic enim à majoribus noſtris accepimus, Prætorem Quæſtori ſuo parentis loco eſſe oportere: nullam neque juſtiorem, neque graviorem cauſam neceſſitudinis poſſe reperiri, quam conjunctionem ſortis, quam provinciæ, quam officii, quam publicam muneris ſocietatem. Quamobrem, ſi jure eum poſſis accuſare, tamen cùm is tibi parentis numero fuiſſet, id piè facere non poſſes: cùm verò neque injuriam acceperis, & Prætori tuo periculum crees, fatearis neceſſe eſt, te illi injuſtum impiumque bellum inferre conari. Etenim iſta Quæſtura ad eam rem valet, ut elaborandum tibi in ratione reddenda ſit, quamobrem eum, cui Quæſtor fueris, accuſes: non, ut ob eam ipſam cauſam poſtulandum ſit, ut tibi potiſſimum accuſatio detur. Neque ferè unquam venit in contentionem de accuſando, qui Quæſtor fuiſſet, quin repudiaretur, (28.) Itaque neque L. Philoni in C. Servilium nominis deferendi poteſtas eſt data, neque M. Aurelio Scauro in L. Flaccum, neque Cn. Pompeio in T. Albucium: quorum nemo propter indignitatem repudiatus eſt: ſed nè libido violandæ neceſſitudinis auctoritate judicum comprobaretur. Atque ille Cn. Pompeius ita cum C. Julio contendit, ut tu mecum. Quæſtor enim Albucii fuerat, ut tu Verris. Julius hoc ſecum auctoritatis ad accuſandum afferebat, quod ut hoc tempore nos ab Siculis, ſic tum ille ab Sardis rogatus ad cauſam acceſſerat. Semper hæc cauſa plurimùm valuit: ſemper hæc ratio accuſandi fuit honeſtiſſima, pro ſociis, pro ſalute provinciæ, pro exterarum nationum commodis

NOTES.

(28.) *Itaque neque L. Philoni in C. Servilium.*] The examples here produced are all of quæſtors, who offering to impeach the magiſtrates under whom they had ſerved, were refuſed permiſſion by the people, to whom it ſeemed a bad precedent. Cicero urges them as an argument againſt Cæcilius's ſuit, and it muſt be owned they form a very ſtrong one. Philo was of the Plebeian branch of the Veturian family, and quæſtor to Servilius Glaucio, the ſame who periſhed with the ſeditious tribune Apuleius. *M. Aurelius Scaurus.*] He was a man of great influence in the ſenate, and had a mighty aſcendant over the the ſpirit of Marius, whom he determined to attack Servilius, in the ſedition before-mentioned. *Cn. Pompeius.*] He means Pompeius Strabo, the father of Pompey the Great, who brought an accuſation againſt T. Albucius, proprætor of Sardinia. This laſt example quadrates exactly with the caſe of Cicero and Cæcilius. For Strabo, Albucius's quæſtor, endeavoured to wreſt the impeachment out of the hands of Julius, who had been ſolicited by the Sardinians to undertake their cauſe, in like manner as Cicero was by the Sicilians.

(29.)

a juſt ground for your violating the relation of quæſtor? Had he injured you in the higheſt degree, yet to accuſe the man under whom you was quæſtor, would draw after it ſome cenſure. But if he never really wronged you, it were even criminal to accuſe him. Since then the injury is by no means evident, can you expect that the judges will not rather you ſhould depart without blame, than with infamy.

SECT. XIX. Obſerve only the difference between your way of thinking and mine. You, though inferior in all reſpects, imagine you ought to have the preference, meerly on the ſcore of being his queſtor. I, on the contrary, were you ſuperior in every other qualification, ſhould yet look upon this ſingle circumſtance as a ſufficient reaſon for ſetting you aſide. For it is a doctrine tranſmitted to us from our anceſtors, that the prætor is in place of a parent to his quæſtor; that no tye can be more ſacred and binding than an union founded upon an allotment of the ſame province, than a conjunction of office, and the common diſcharge of a publick truſt. Should therefore the law admit of your commencing accuſer, yet, as he has been to you in place of a parent, you cannot act ſuch a part conſiſtent with piety. But as he never offered you any real injury, and you yet threaten your prætor with a proſecution, you muſt own yourſelf liable to the charge of a criminal and unjuſt attack. For the nature of the quæſtorſhip is ſuch, as to require your giving a reaſon, why you, who filled that office under him, ſhould undertake to become his accuſer; but can never be urged as an argument for your having the preference in this trial. Nay, there is hardly an inſtance of a diſpute of this kind, in which the quæſtor was not rejected. Accordingly we find, that neither was Lucius Philo admitted to plead againſt Caius Servilius, nor Marcus Aurelius Scaurus againſt Lucius Flaccus, nor Cneius Pompey againſt Titus Albutius: not that they were excluded, on account of inſufficiency; but to avoid countenancing by the authority of the judges the wanton diſſolution of a ſacred tye. Yet the diſpute between Cneius Pompey and Caius Julius was the very ſame as that between you and me. Pompey had been quæſtor to Albutius, as you to Verres. Julius, on the other hand, had this plea, that he was ſolicited to undertake the impeachment by the Sardinians, in like manner as I now am by the Sicilians. This conſideration has always had the greateſt weight; it has ever been eſteemed an unexceptionable argument in favour of an accuſer, when for the intereſt of the allies, the ſafety of a province, and the benefit of foreign nations, he has not ſcrupled to create himſelf enemies, to expoſe

commodis inimicitias ſuſcipere, ad periculum accedere, operam, ſtudium, laborem interponere.

XX. Etenim ſi probabilis eſt eorum cauſa, qui injurias ſuas perſequi volunt, qua in re dolori ſuo, non reipub. commodis ſerviunt: quantò illa cauſa honeſtior, quæ non ſolùm probabilis videri, ſed etiam grata eſſe debet, nulla privatim accepta injuria, ſociorum atque amicorum populi Romani dolore atque injuriis commoveri? Nuper, cùm in P. Gabinium (29.) vir fortiſſimus & innocentiſſimus L. Piſo delationem nominis poſtularet, & contrà Q. Cæcilius peteret, iſque ſe veteres inimicitias jamdiu ſuſceptas perſequi diceret; cùm auctoritas & dignitas Piſonis valebat plurimùm, tum illa erat cauſa juſtiſſima, quod eum ſibi Achæi patronum adoptârant. Etenim, cùm lex ipſa de pecuniis repetundis, ſociorum atque amicorum populi Romani cauſâ, comparata ſit; iniquum eſt, non eum legis judiciique actorem idoneum maximè putari, quem actorem cauſæ ſuæ ſocii, defenſoremque fortunarum ſuarum potiſſimum eſſe voluerunt. An quod ad commemorandum eſt honeſtius, id ad probandum non multò videri debet æquius? Utra igitur eſt ſplendidior, utra illuſtrior commemoratio? Accuſavi eum, quîcum Quæſtor fueram, quîcum me ſors, conſuetudoque majorum, quìcum me Deorum hominumque judicium conjunxerat. An accuſavi rogatu ſociorum, atque amicorum? delectus ſum ab univerſâ provinciâ, qui ejus jura, fortunaſque defenderem. Dubitare quiſquam poteſt, quin honeſtius ſit, eorum cauſâ, apud quos Quæſtor fueris, quàm eum cujus Quæſtor fueris, accuſare? Clariſſimi viri noſtræ civitatis temporibus optimis, hoc ſibi ampliſſimum, pulcherrimumque ducebant, ab hoſpitibus clientibuſque ſuis, ab exteris nationibus, quæ in amicitiam populi Rom. ditionemque eſſent, injurias propulſare, eorumque fortunas defendere. (30.) M. Catonem illum ſapientem, clariſſimum virum, & prudentiſſimum, cum multis graveis inimicitias geſſiſſe accepimus, propter Hiſpanorum, apud quos Conſul fuerat, injurias. Nuper (31.) Cn. Domitium ſcimus M. Silano diem dixiſſe propter

NOTES.

(29.) *Vir fortiſſimus & innocentiſſimus L. Piſo.*] The Lucius Piſo here mentioned, was by profeſſion a lawyer, and when tribune of the people, enacted a law againſt extortion. He impeached Publius Gabinius for mal-adminiſtration, in the government of Aſia; and being oppoſed by Quintus Cæcilius, carried it againſt him, becauſe it appeared that the Achæans themſelves had applied to him to undertake their cauſe. It will be neceſſary to inform the reader, that the Quintus Cæcilius here ſpoken of, is not the ſame with him who ſought a right of accuſing Verres; and that though the Greeks in general were called *Achæans*, yet the word here is only taken for the inhabitants of Pontus, who accuſed Gabinius of extortion.

(30.) *M. Catonem illum ſapientem.*] Cato accuſed Sergius Galba, for plundering the inhabitants of Luſitania, one of the three provinces into which ancient Spain was divided. He likewiſe, at the inſtances of the ſame people, accuſed Publius Furius, for ſetting an immoderate price upon corn. By theſe accuſations, he procured himſelf a great many enemies.

himſelf to dangers, and to interpoſe with all his abilities, zeal, and application.

SECT. XX. And in truth, if it be juſtifiable in a man to proſecute another for private injuries, to which he is only prompted by his perſonal ſufferings, not by any concern for the welfare of the ſtate; how much more noble muſt it appear, and not only juſtifiable, but even meritorious, where no private injuries have been received, to be rouzed by the wrongs and ſufferings of the allies and friends of the Roman people? Lately, when Lucius Piſo, a man of the greateſt courage and integrity, impeached Publius Gabinius; and Quintus Cæcilius endeavoured to wreſt the cauſe from him, under pretence of proſecuting an old injury; though the reputation and merit of Piſo had great weight with the judges, yet the moſt deciſive circumſtance in his favour was, that the Achæans had adopted him their patron. For, ſince the law relating to extortion was made in favour of the allies and friends of the people of Rome, it is unreaſonable not to ſuppoſe him the fitteſt proſecutor in an impeachment founded on that law, whom thoſe very allies have choſen before all others, for the managemeut of their cauſe, and the defence of their fortunes. Has not that which carries the moſt fair and honourable appearance, the juſteſt title to our approbation? Now, which of theſe declarations is the moſt illuſtrious and praiſeworthy: I accuſe him to whom I was quæſtor; him with whom I was connected by lot, by the cuſtoms of our anceſtors, and the decree of gods and men: Or, I accuſe at the requeſt of the allies and friends of the people of Rome: I am choſen by the whole province, to defend and maintain their rights: Can any one entertain a doubt, whether it be not more honourable to accuſe in favour of thoſe among whom you was quæſtor, than to accuſe the man whoſe quæſtor you was? The moſt illuſtrious men, in the beſt times of the commonwealth, have always conſidered it as their greateſt and nobleſt commendation, to redreſs the wrongs, and defend the properties of ſtrangers, of their own clients, and of foreign nations the allies and tributaries of Rome. It is recorded of Marcus Cato, ſo diſtinguiſhed by his wiſdom, reputation, and prudence, that he drew upon himſelf the powerful enmity of many, on account of the injuries done to the Spaniards, amongſt whom he had been while conſul. We all know, that Cneius Domitius lately impeached

NOTES.

(31.) *Cn. Domitium M. Silano diem dixiſſe.*] This Domitius accuſed M. Silanus, a man of conſular dignity, on account of ſome injuries he had done to one Egritomarus; of whom we have no other account, than what Cicero gives us in this paſſage. We are to take notice here of the difference between *diem dicere*, and *accuſare*. The former was uſed in reſpect of magiſtrates, and perſons in publick office, the latter was appropriated to the impeachments brought by private men. (32.)

propter unius hominis Egritomari, paterni amici atque hoſpitis, injurias.

XXI. Neque enim magis animos hominum nocentium res unquam ulla commovit, quam hæc majorum conſuetudo, longo intervallo repetita atque relata: ſociorum querimoniæ delatæ ad hominem non inertiſſimum, ſuſceptæ ab eo, qui videbatur eorum fortunas fide, diligentiâque ſuâ poſſe defendere. Hoc timent homines, hoc laborant: hoc inſtitui, atque adeò inſtitutum referri, ac renovari moleſtè ferunt: putant fore, uti ſi paulatim hæc conſuetudo ſerpere, ac prodire cœperit, per homines honeſtiſſimos, viroſque fortiſſimos, non imperitos adoleſcentulos, aut illiuſmodi quadruplatores, leges, judiciaque adminiſtrentur. Cujus conſuetudinis, atque inſtituti partes majoreſque noſtros non pœnitebat tum, cùm (32.) P. Lentulus, is qui princeps Senatûs fuit, accuſabat M. Aquilium, ſubſcriptore C. Rutilio Ruſo, aut cum (33.) P. Africanus homo virtute, fortunâ, gloriâ, rebus geſtis ampliſſimus, poſteaquam bis Conſul & Cenſor fuerat, L. Cottam in judicium vocabat. Jure tum florebat populi Romani nomen: jure auctoritas hujus imperii, civitatiſque majeſtas gravis habebatur. Nemo mirabatur in Africano illo, quod in me nunc homine parvis opibus, ac facultatibus prædito ſimulant ſeſe mirari, cùm moleſtè ferant. (34.) Quid ſibi iſte vult? accuſatorem-ne ſe exiſtimari, qui anteâ defendere conſueverat? nunc præſertim, eâ jam ætate, cùm Ædilitatem petat? Ego verò, & ætatis non modò meæ, ſed multò etiam ſuperioris, & honoris ampliſſimi puto eſſe, & accuſare improbos, & miſeros calamitoſoſque defendere. Et profectò aut hoc remedium eſt ægrotæ, ac propè deſperatæ reipub. judiciiſque corruptis, ac contaminatis paucorum vitio ac turpitudine, homines ad legum defenſionem, judiciorumque auctoritatem, quam honeſtiſſimos & integerrimos diligentiſſimoſque accedere:

NOTES.

(32.) *P. Lentulus, princeps ſenatus, accuſabat M. Aquilium.*] This Lentulus was the father of Lentulus Sura, who was ſtrangled in priſon, for being embarked in the conſpiracy of Cataline. The dignity of *prince of the ſenate*, with which the orator here informs us he was inveſted, entitled him to the privilege of giving his opinion firſt in all debates. He was commonly the oldeſt member of the ſenate, whoſe name appeared firſt upon the roll, and enjoyed this honour during life. M. Aquilius, here mentioned, was accuſed by Lentulus of extortion, and defended by Antony, who drew aſide his garment, and ſhewed the ſcars of thoſe wounds he had received for the republick, in the war with the ſlaves in Sicily.

(33.) *P. Africanus L. Cottam in judicium vocabat.*] L. Cotta was accuſed by P. Africanus, after he had been twice conſul and cenſor. He was defended by Q. Metellus Macedonicus; and, as Cicero informs us in his oration for Murena, was acquitted by the people, not ſo much on account of his innocence, as that he might not ſeem to have fallen a victim to the power and credit of his adverſary.

(34.) *Quid ſibi iſte vult.*] The queſtion relating to the accuſer of Verres, was of more importance than at firſt ſight it may ſeem. Had it only regarded the point of preference between Cicero and Cæcilius, it would have been no hard matter to determine it. But the great men at Rome were for diſcouraging accuſations

ed Marcus Silanus, for the wrongs offered to a ſingle perſon, Egritomarus by name, the friend and hoſt of his father.

SECT. XXI. Nor indeed has any thing of late ſo much alarmed the minds of guilty men, as this cuſtom of our anceſtors, repeated and renewed after a long diſcontinuance. To ſee the complaints of our allies laid before a man of activity, and their cauſe undertaken by one likely to defend their intereſts with integrity and ſpirit, fills them with dread and terror. They are ſorry that ſuch a cuſtom ſhould ever have taken place, but ſtill more ſo that it is revived and repeated. They begin to apprehend, that ſhould the practice inſinuate and gain ground, the adminiſtration of law and juſtice muſt paſs through the hands of men of integrity and courage, not of beardleſs boys, and a rabble of mercenary pleaders. Our fathers and forefathers were not aſhamed of this inſtitution, when Publius Lentulus, prince of the ſenate, with Caius Rutilius Rufus for his ſolicitor, accuſed Marcus Aquilius: or when Publius Africanus, a man eminently diſtinguiſhed by his virtue, fortune, reputation, and military exploits, after he had been twice conſul, and cenſor, impeached Lucius Cotta. The Roman name was then deſervedly famous: the dignity of this empire, and the majeſty of the republick, were juſtly held in veneration. No one wondered at that in the great Africanus, which they who are diſſatisfied with this proceeding, affect now to treat with ſurprize in me, a man ſo much beneath him in rank and fortune. What does he mean, ſay they? The man who has hitherto been accuſtomed to defend, would he now paſs for an accuſer, eſpecially at an age when he is ſuing for the Ædileſhip? But I think it an honour not only at my time of life, but even at a much more advanced age, to accuſe the wicked, and defend the wretched and miſerable. And indeed, either it is a remedy for a languiſhing and almoſt incurable adminiſtration, groaning under the corruption and vices of few, that men of integrity,

NOTES.

accuſations for mal-adminiſtration in the government of provinces, as being almoſt all involved in the ſame guilt. To this end they uſed their utmoſt endeavours to hinder impeachments from falling into the hands of able and faithful men, as hoping by this means to render them ineffectual, and bring them into diſcredit and contempt. This was the real difficulty Cicero had to encounter, of which he fails not to give frequent hints in this ſpeech. His adverſaries however gave the matter a different turn, affecting to wonder, that one who had hitherto employed himſelf only in defending cauſes, ſhould turn accuſer, and thereby draw upon himſelf many powerful enemies; eſpecially at a time when he was running the career of publick honours, having diſcharged the office of quæſtor, and preparing now to ſue for the ædileſhip. But Cicero deſpiſed theſe inſinuations, as knowing that he could not more effectually recommend himſelf to the favour of the better ſort of the Roman people, than by a candid, faithful and diligent behaviour, in the courſe of the proſecution he had undertaken to manage.

dere: aut ſi ne hoc quidem prodeſſe poterit, profecto nulla unquam medicina his tot incommodis reperietur. Nulla ſalus reipubl. major eſt, quam eos, qui alterum accuſant, non minùs de laude, de honore, de famâ ſuâ, quam illos, qui accuſantur, de capite ac fortunis ſuis pertimeſcere. Itaque ſemper ii diligentiſſimè, laborioſiſſimeque accuſarunt, qui ſe ipſos in diſcrimen exiſtimationis venire arbitrati ſint.

XXII. Quamobrem hoc ſtatuere, Judices, debetis, Q. Cæcilium, de quo nulla unquam opinio fuerit, nullaque in hoc ipſo judicio exſpectatio futura ſit, qui neque ut ante collectam famam conſervet, neque uti reliqui temporis ſpem confirmet, laborat, non nimis hanc cauſam ſeverè, non nimis accuratè, non nimis diligenter acturum. Habet enim nihil, quod in offenſione deperdat: ut turpiſſimè, flagitioſiſſimeque diſcedat, nihil (35.) de ſuis veteribus ornamentis requiret. A nobis multos obſides habet populus Rom. quos ut incolumes conſervare, tueri, confirmare, ac recuperare poſſimus, omni ratione erit dimicandum; habet honorem, quem petimus: habet ſpem, quam propoſitam nobis habemus; habet exiſtimationem multo ſudore, labore, vigiliiſque collectam: ut, ſi in hac cauſa noſtrum officium, ac diligentiam probaverimus, hæc, quæ dixi, retinere per pop. Rom. incolumia ac ſalva poſſimus: ſi tantulum offenſum, titubatumque ſit, ut ea, quæ ſingulatim, ac diu collecta ſunt, uno tempore univerſa perdamus. Quapropter, Judices, veſtrum eſt deligere, quem exiſtimetis facillime poſſe magnitudinem cauſæ, ac judicii ſuſtinere fide, diligentia, conſilio, auctoritate. Vos ſi mihi Q. Cæcilium antepoſueritis, ego me dignitate ſuperatum non arbitrabor: populus Romanus ne tam honeſtam, tam ſeveram, diligentemque accuſationem, neque vobis placuiſſe, neque ordini veſtro placere arbitretur, providete.

NOTES.

(35.) *De ſuis ornamentis requiret.*] *Requiret*, i. e. *amiſſum ſentiet*. He can ſuffer no detriment by betraying the cauſe, becauſe he has nothing to loſe. Cicero uſes this as an argument againſt Cœcilius, and in his own favour. There were no ſufficient ties upon Cæcilius, to bind him to fidelity and diligence; whereas the Romans had many pledges of Cicero: The honour of the ædileſhip, for which he had declared himſelf a candidate: The hope of the prætorſhip and conſulate, to which he had the ambition to aſpire: The reputation he had already acquired, and the growing expectation of the publick in his favour. All theſe were powerful motives, and could not fail to animate him with uncommon induſtry and zeal, as he was ſenſible that the leaſt ſlip would endanger the loſs of all he had already acquired, and deſtroy his expectations for the future. The argument, it muſt be owned, is ſtrong and concluſive.

PRO

ty, honour and application, ſhould take upon them the defence of the laws, and the revival of publick juſtice: or, if even this be found ineffectual, it is in vain any longer to hope for redreſs. Nothing tends more to the preſervation of a ſtate, than for an accuſer to be no leſs tender of his reputation, honour, and fame, than the accuſed is ſolicitous about his life and fortunes. Accordingly we find, that ſuch as were the moſt jealous of their own characters, have always proved the moſt diligent and indefatigable accuſers.

SECT. XXII. Therefore, my Lords, you have reaſon to believe, that Quintus Cæcilius, a man of no reputation, from whom very little is expected in the preſent trial, who has neither any fame already acquired to preſerve, nor any future expectations to confirm, will not acquit himſelf in this cauſe, with the induſtry, vigour and ſeverity it requires. For he can loſe nothing by a repulſe. Should we even ſuppoſe him ſhamefully and ſcandalouſly baffled, all his former merit will ſtill remain. Of me the Roman people have many pledges, which I muſt ſtrive with my utmoſt endeavours to preſerve, to defend, to confirm, and to redeem. They have the honour for which I am now a candidate: they have the hope that animates all my purſuits: they have a reputation too, acquired with much ſweat, watching, and toil. If I give proof of my fidelity and diligence in this cauſe, all theſe will remain ſure and inviolable in the hands of my country; but if I trip or ſtumble in the leaſt, the acquiſitions of a whole life will be deſtroyed in one moment. Therefore, my Lords, it remains for you to pitch upon the man whom you think beſt qualified by his integrity, diligence, wiſdom and authority, to ſuſtain the weight of this proſecution. Should the preference be given to Cæcilius, I ſhall not think my character in the leaſt affected by ſuch a ſentence: but take care that the people of Rome have not too much reaſon to believe, that ſo upright, ſo ſevere, and ſo vigorous an impeachment was neither agreeable to you, nor to thoſe of your order.

ORATIO II.

PRO LEGE MANILIA.

I. QUamquam mihi ſemper frequens conſpectus veſter multo jucundiſſimus; (1.) hic autem locus ad agendum ampliſſimus, ad dicendum ornatiſſimus eſt viſus, (2.) Quirites! tamen hoc aditu laudis, qui ſemper optimo cuique maximè patuit, non mea me voluntas, ſed meæ vitæ rationes ab ineunte ætate ſuſceptæ prohibuerunt. Nam, cum anteà per ætatem nondum hujus auctoritatem loci contingere auderem; ſtatueremque, nihil huc, niſi perfectum ingenio, elaboratum induſtria, afferri oportere; omne meum tempus

NOTES.

* In the conſulſhip of M. Aemilius and L. Volcatius; L. Lucullus, who in quality of proconſul had continued almoſt ſeven years at the head of the Roman army in Aſia Minor, and obtained many ſignal victories over Mithridates, was recalled by a decree of the ſenate. As the war was not yet finiſhed, there was a neceſſity for ſending ſome other general to ſupply his place. C. Manilius, a tribune of the people, propoſed a law, preferring Pompey to that important commiſſion. This propoſal met with great oppoſition, becauſe Pompey having already the command of the piratical war, with a very extenſive authority, many Romans of diſtinction thought it would be dangerous to truſt ſo much power in the hands of one perſon. Cicero, who ſeems to have entertained a high opinion of Pompey's honour and probity, and conſidered him as the only man in the commonwealth fit to conduct a war of that importance, was zealous for the paſſing of the Manilian law, and in this ſpeech endeavoured to ſupport it with all his credit and eloquence. He begins with explaining the nature and importance of the Mithridatic war, and ſays every thing that might ſerve to animate the people to continue and purſue it with vigour. Thence paſſing to the choice of a general, he enters into ſo beautiful a detail of Pompey's merit and qualifications, that I queſtion whether there be any hiſtory, where the character of that great man is ſo well drawn. In the ſequel the law paſſed, though Catullus and Hortenſius, two of the moſt conſiderable men in Rome, and both conſular ſenators, were among the number of thoſe that oppoſed it. Pompey was ſent againſt Mithridates, with a more extenſive command than had been granted even to Lucullus; Bithynia, and ſeveral other provinces, being included in his commiſſion. He received his orders in Cilicia, where he was employed in putting the laſt hand to the war againſt the pirates; by the ſucceſsful concluſion of which, he reſtored the Roman commonwealth to her wonted power and ſplendor,

ORATION II.

For the MANILIAN LAW.

SECT. I. THOUGH your crowded aſſemblies, Romans, be always a grateful ſight to me; though this place appears the moſt conſpicuous for counſel, and the moſt honourable for debate: yet not choice, but the way of life I have been engaged in from my early youth, have hitherto excluded me from this theatre of praiſe, ever open to the worthy and the wiſe. For as till now I had not reached the age neceſſary to entitle me to ſo diſtinguiſhed an honour, and as I judged nothing worthy of this tribunal, in which the moſt conſummate genius and induſtry were

NOTES.

ſplendor, which the ill conduct of her generals abroad, and the remiſſneſs of the adminiſtration at home, had of late conſiderably impaired. This oration was delivered from the tribunal of harangues, being the firſt time of Cicero's appearance in that place; for hitherto he had pleaded only private cauſes in the prætor's court. It was ſpoken in the ſix hundred and eighty-ſeventh year of Rome, and the forty-firſt of Cicero's Age, ſoon after his election to the prætorſhip.

(1.) *Hic locus.*] Cicero here means the *roſtra*, or tribunal of harangues, which was ſituate in the Forum, and adorned with the beaks of ſhips, whence it had its name. Livy, ſpeaking of it in his eighth book, ſays, *Naves Antiatium partim in navalia Romæ ſubductæ, partim incenſæ: Roſtriſque earum ſuggeſtum in foro extructum adornari placuit, roſtraque id templum appellatum.* This place was ſet apart for enacting laws, pleading cauſes, and delivering ſpeeches to the people. Here, none were allowed to ſpeak, but men of the firſt note, and ſuch as bore offices of dignity in the ſtate. In the roſtra the ſpeaker addreſſed himſelf to the people only, and was obliged to ſtudy a very different manner of ſpeaking from that in uſe before the judges. The people were to be both inſtructed and pleaſed, which required all the eloquence and ornaments of language: The judges were only to be informed, and therefore a conciſe and ſimple ſtile was neceſſary before them.

(2.) *Quirites.*] This was an appellation given to the Roman people in general, from the Curetes, a people that removed to Rome with Tatius, from Cures a Sabine city. For a fierce war commencing between Romulus and Tatius, on occaſion of the rape of the Sabine virgins, peace was at length concluded on theſe terms: That Romulus and Tatius ſhould reign jointly over both people: That the city ſhould be called Rome from Romulus, and the citizens Quirites from Cures. The word comes originally from curis, or quiris, which in the language of the Sabines ſignified a dart; and was a weapon greatly in uſe among that people.

pus amicorum temporibus traſmittendum putavi. Ita neque hic locus vacuus unquam fuit ab iis qui veſtram cauſam defenderent; & meus labor in privatorum periculis caſtè integreque verſatus, ex veſtro judicio fructum eſt ampliſſimum conſecutus. Nam cum propter dilationem comitiorum (3.) ter Prætor primus centuriis cunctis renuntiatus ſum; facile intellexi, Quirites, & quid de me judicaretis, & quid aliis præſcriberetis. Nunc cum & auctoritatis in me tantum ſit, quantum vos honoribus mandandis eſſe voluiſtis; & ad agendum facultatis tantum, quantum homini vigilanti ex forenſi uſu prope quotidiana dicendi exercitatio potuit afferre: certe, & ſi quid auctoritatis in me eſt, ea apud eos utar, qui eam mihi dederunt; & ſi quid etiam dicendo conſequi poſſum, iis oſtendam potiſſimum, qui ei quoque rei fructum ſuo judicio tribuendum eſſe cenſuerunt. Atque illud in primis mihi lætandum jure eſſe video, quod in hâc inſolita mihi ex hoc loco ratione dicendi, cauſa talis oblata eſt, in qua oratio nemini deeſſe poteſt. Dicendum eſt enim de Cn. Pompeii ſingulari eximiaque virtute: hujus autem orationis difficilius eſt exitum, quàm principium invenire. Itaque non mihi tam copia, quàm modus in dicendo quærendus eſt.

II. Atque ut inde Oratio mea proficiſcatur, unde hæc omnis cauſa ducitur; bellum grave, & periculoſum veſtris vectigalibus atque ſociis (4.) à duobus potentiſſimis regibus infertur, Mithridate, & Tigrane: quorum alter relictus, alter laceſſitus, occaſionem ſibi ad occupandam Aſiam oblatam eſſe arbitratur. Equitibus Romanis, honeſtiſſimis viris, afferuntur ex Aſiâ quotidie literæ, quorum magnæ res aguntur, in veſtris vectigalibus exercendis occupatæ; qui ad me pro neceſſitudine, quæ mihi eſt cum illo Ordine, cauſam reipublicæ, periculaque

NOTES.

(3.) *Ter prætor primus centuriis cunctis renuntiatus ſum.*] The prætor was a magiſtrate, to whom belonged the adminiſtration of juſtice. At firſt only one was created, then two, in the time of Sylla eight, and laſt of all ten. Of theſe prætors two had the management of private trials committed to them; one, the city prætor, who judged between fellow-citizens; the other, the foreign prætor, who took cognizance of the affairs of ſtrangers. The other eight were criminal judges, and had each his particular province. Two were appointed to decide in caſes of murder; one of extortion; one of embezzling the publick money; one of corruption; one of fraud; one of treaſon; and one of violence. Cicero here tells us, that he was thrice declared firſt prætor by all the centuries. Not that there was any inequality or difference of dignity between the prætors, but he who was firſt choſen to that office by the people, was judged on that account to have the preference in their favour. Plutarch, in his life of Cicero, tells us, that he had to ſtruggle with many candidates of the firſt dignity, from all whom he nevertheleſs carried the honour of the firſt nomination. Hence, in his book *de claris oratoribus*, ſpeaking of himſelf, he ſays, *Atque ut multa omittam, in hoc ſpatio, et in his poſt aedilitatem annis, et prætor primus, et incredibili populari voluntate ſum factus.*

(4.) *A duobus potentiſſimis regibus.*] They are deſervedly ſtiled powerful by the orator, whether we conſider the extent of their dominions, or their renown in war. Mithridates, though originally no more than king of Pontus, found means by his valour to render

not conſpicuous; I thought it beſt to dedicate my whole time to the concerns of my friends. Accordingly this place has always abounded with able pleaders in the cauſe of the republick: and my talents, employed in the defence of private citizens, have by your ſuffrages been crowned with a glorious reward. For when by reaſon of the adjournment of the comitia, I found myſelf thrice choſen firſt prætor by all the centuries, it was eaſy for me thence to collect, both what your ſentiments of me were, and what qualifications you required in others. Now that I am cloathed with all that authority which is annexed to the offices you have honoured me with; and as my talents for buſineſs are ſuch, as the conſtant exerciſe of pleading may produce in a man of induſtry; be aſſured, that whatever authority I poſſeſs, ſhall be exerted in behalf of thoſe from whom I derived it; and if my eloquence carries any weight, I will diſplay it chiefly to thoſe who have thought it worthy of reward. And here I think I may juſtly congratulate myſelf, that unaccuſtomed as I am to harangue in this manner, and from this place, a ſubject preſents itſelf, on which it is impoſſible not to be eloquent. I am to ſpeak of the ſingular and amazing virtues of Pompey; a theme where I ſhall find it more difficult to know when to ſtop, than how to begin; and where my principal ſtudy muſt be, not to ſearch for materials, but to ſet bounds to my oration.

SECT. II. But that my diſcourſe may run back to the ſource of the preſent debate: an important and dangerous war is carried on againſt your tributaries and allies, by two very powerful monarchs, Mithridates and Tigranes: of whom the one being provoked, and the other not puſhed after his defeat; they think a favourable opportunity offers to poſſeſs themſelves of all Aſia. Letters are daily brought from that quarter to the Roman knights, men of character and eminence, who have a great intereſt in the collection of your revenues; and on account of my near connection with their order,

NOTES.

render himſelf maſter of all Aſia Minor, and great part of Greece. Cicero, in his Lucullus, pronounces him the greateſt of kings, next to Alexander. He was vanquiſhed and reſtricted to his hereditary dominions by Sylla: But renewing the war again after his death, Lucullus was ſent againſt him, who defeated him in ſeveral battles, and in the laſt would infallibly have made him priſoner, had not the ſoldiers, inſtead of continuing the purſuit, abandoned themſelves to the deſire of plunder. This gave him an opportunity of eſcaping to his his ſon-in-law Tigranes, who reigned in Armenia, and is by Plutarch ſtiled the king of kings. His power was ſo great, that having driven the Parthians out of Aſia, he tranſplanted the Greek ſtates into Media, and ruled Syria and Paleſtine. Lucullus notwithſtanding ſummoned him to deliver up Mithridates; and upon his refuſal puſhed him ſo vigorouſly, that after taking poſſeſſion of Tigranocerta, the city of his own reſidence, he twice routed his numerous forces, and obliged him to fly into the ſkirts of Armenia.

(5.)

periculaque rerum ſuarum detulerunt: (5.) Bithyniæ, quæ nunc veſtra provincia eſt, vicos exuſtos eſſe complureis: (6) regnum Ariobarzanis, quod finitimum eſt veſtris vectigalibus, totum eſſe in hoſtium poteſtate: Lucullum, magnis rebus geſtis, ab eo bello diſcedere: huic qui ſuccurrerit, non ſatis eſſe paratum ad tantum bellum adminiſtrandum: unum ab omnibus ſociis & civibus ad id bellum imperatorem depoſci, atque expeti: eundem hunc unum ab hoſtibus metui, præterea neminem. Cauſa quæ ſit, videtis: nunc quid agendum ſit conſiderate. Primum mihi videtur de genere belli, deinde de magnitudine, tum de imperatore deligendo eſſe dicendum. Genus eſt enim ejuſmodi, quod maxime veſtros animos excitare, atque inflammare debet: in quo agitur populi Romani gloria, quæ vobis à Majoribus cum magna in rebus omnibus, tum ſumma in re militari tradita eſt: agitur ſalus ſociorum, atque amicorum, pro qua multa Majores veſtri magna & gravia bella geſſerunt: aguntur certiſſima populi Romani vectigalia, & maxima; quibus amiſſis, & pacis ornamenta, & ſubſidia belli requiretis: aguntur bona multorum civium, quibus eſt à vobis, et ipſorum, et reipublicæ cauſa conſulendum.

III. Et quoniam ſemper appetentes gloriæ præter cæteras genteis, atque avidi laudis fuiſtis, delenda eſt vobis illa macula, (7.) Mithridatico bello ſuperiore ſuſcepta: quæ penitus jam inſedit, atque inveteravit in populi Romani nomine: quod is, qui uno die, tota Aſia, tot in civitatibus, uno nuntio, atque una literarum ſignificatione cives Romanos necandos trucidandoſque denotavit, non modò adhuc pœnam nullam ſuo dignam ſcelere ſuſcepit, ſed ab illo tempore annum jam tertium & viceſimum regnat; & ita regnat, ut ſe non Ponto, neque Cappadociæ latebris occultare velit; ſed emergere è patrio regno, atque in veſtris vectigalibus, hoc eſt, in Aſiæ luce

NOTES.

(5.) *Bithyniæ quæ nunc veſtra provincia eſt.*] Nicomedes ſurnamed Philopater, the ſon of that Nicomedes, who upon the death of his father Pruſias took poſſeſſion of the kingdom of Bithynia, being expelled his dominions by Mithridates, was again reſtored by Sylla. In gratitude for this ſervice, chancing to die ſome years after, namely in the conſulſhip of Octavius and Cotta, he left the Roman people heir to his kingdom, which the republick reduced into the form of a province.

(6.) *Regnum Ariobarzanis.*] Cappadocia, whence he was twice expelled by Mithridates, and as often reſtored by the Romans. Lucullus being recalled by a decree of the ſenate, Mithridates again took poſſeſſion of his kingdom; and enjoyed it till Pompey, after the total defeat of him and Tigranes, reſtored Ariobarzanes a third time.

(7.) *Mithridatico bello ſuperiore.*] This broke out in the conſulſhip of Q. Pompeius, and L. Sylla. In the very beginning of this war, Mithridates having got Q. Oppius the proconſul into his hands, put him in irons. He likewiſe ſeized Marcius Aquilius; and ſetting him upon an aſs, preceded by a publick cryer, who proclaimed his approach by name; ordered him to be carried to Pergamus; where he no ſooner arrived, than melted gold was poured down his throat. He then ſent letters to all the governours of

order, have thought proper to lay before me the cauſe of the republick, and the danger to which their own private fortunes are expoſed: that in Bithynia, now a Roman province, a great number of villages are burnt down: that the kingdom of Ariobarzanes, which borders on your tributaries, is wholly in the power of the enemy: that Lucullus, after a ſeries of great exploits, is about to relinquiſh that war: that his ſucceſſor is but ill provided for the execution of ſo difficult an enterpriſe: and that the unanimous voice of citizens and allies, points at and demands one perſon for the conduct of this war, as the only man alive who ſtrikes terror into our enemies. You ſee then the point in queſtion: it now remains for you to conſider what is fit to be done. To me it ſeems neceſſary to ſpeak, firſt of the nature, then of the greatneſs of the war, and laſtly of the choice of a general. The nature of the war is ſuch, as ought to arouze all your courage, and kindle your warmeſt reſentment. It regards the glory of the Roman people, which your anceſtors have tranſmitted with ſo much luſtre in all things, but principally in the ſcience of arms. It regards the ſafety of your friends and allies, in defence of which your fore-fathers have ſuſtained many heavy and dangerous wars. It regards the ſureſt and faireſt revenues of the commonwealth, without which we can neither ſupport peace with dignity, nor furniſh the neceſſary expences during war. In fine, it regards the private fortunes of many illuſtrious citizens, whoſe proſperity demands your utmoſt attention, both on their own and the republick's account.

SECT. III. And becauſe the thirſt of glory, and paſſion for fame, has been always ſtronger in you, than in any other people; you muſt wipe out that ſtain contracted in the laſt Mithridatic war, which has given ſo deep and dangerous a wound to the reputation of the Roman people: that the man, who in one day, over all Aſia, through ſo many ſtates, by a ſimple courier, and the contents of a ſingle letter, marked out the Roman citizens to butchery and deſtruction, has not only hitherto eſcaped without any ſuitable puniſhment, but now counts the twenty-third year of his reign from that period: a reign too ſo proſperous, that inſtead of ſeeking to hide himſelf in Pontus, and the faſtneſſes of Cappadocia, he has broke through the limits of his paternal inheritance, and riots among your tributary provinces, in the rich and fertile country of Aſia. For hitherto

NOTES.

of the Aſiatic provinces, enjoining them, on the thirtieth day after the receipt of the ſaid letters, to maſſacre all the Romans and Italians in their ſeveral diſtricts, without regard to age or ſex; and to leave their bodies unburied, a prey to the wild beaſts. Upon this ſo great an execution enſued, that upwards of an hundred and fifty thouſand were ſlain in one day.

(8.)

luce verſari. Etenim adhuc ita veſtri cum illo rege contenderunt imperatores, ut ab illo inſignia victoriæ, non victoriam reportarint. Triumphavit L. Sulla, triumphavit L. Muræna de Mithridate, duo fortiſſimi viri, & ſummi imperatores: ſed ita triumpharunt, ut ille pulſus ſuperatuſque regnaret. Verumtamen illis imperitoribus laus eſt tribuenda, quod egerunt: venia danda, quod reliquerunt: propterea quod ab eo bello (8.) Sullam in Italiam reſpublica. Muræ-nam Sulla revocavit.

IV. Mithridates autem omne reliquum tempus, non ad oblivionem veteris belli, ſed ad comparationem novi contulit: qui, poſteaquam maximas ædificaſſet, ornaſſetque claſſeis, exercituſque permagnos, quibuſcumque ex gentibus potuiſſet comparaſſet, & ſe Boſporanis, finitimis ſuis, bellum inferre ſimulaſſet; uſque in Hiſpaniam legatos Ecbatanis miſit ad eos duces, quibuſcum tum bellum gerebamus: ut, cùm duobus in locis disjunctiſſimis, maximeque diverſis, uno conſilio, à binis hoſtium copiis bellum terra marique gereretur, vos ancipiti contentione diſtricti de imperio dimicaretis. Sed tamen alterius partis periculum, (9.) Sertorianæ atque Hiſpanienſis, quæ multò plus firmamenti ac roboris habebat, Cn. Pompeii divino conſilio, ac ſingulari virtute depulſum eſt: in altera parte ita res à L. Lucullo ſummo viro eſt adminiſtrata, ut initia illa geſtarum rerum magna atque præclara, non felicitati ejus, ſed virtuti: hæc autem extrema, quæ nuper acciderunt, non culpæ, ſed fortunæ tribuenda eſſe videantur. Sed de Lucullo dicam alio loco, & ita dicam, Quirites! ut neque vera laus ei detracta oratione noſtrâ, neque falſa afficta eſſe videatur. De veſtri imperii dignitate, atque gloria, quoniam is eſt exorſus orationis meæ, videte quem vobis animum ſuſpiciendum putetis.

V. Majores veſtri ſæpe mercatoribus, ac naviculatoribus injurioſius tractatis, bella geſſerunt: vos tot civium Rom. millibus, uno nuntio,

NOTES.

(8.) *Sullam in Italiam reſpublica, muræ-nam Sulla revocavit.*] While Sylla was engaged in the Mithridatic war, the faction of Marius and Cinna prevailing at Rome, great diſturbances enſued, and many of the moſt conſiderable men of the commonwealth were killed. This obliged Sylla to conclude a peace haſtily with Mithridates, that he might be the ſooner at liberty to return to Rome, to quell theſe tumults. Muræna being left behind as Sylla's lieutenant in Aſia, to ſee to the execution of the treaty of peace, and ſettle the affairs of thoſe provinces, was not over ſcrupulous with regard to Mithridates; but fired with the love of military glory, at firſt undertook ſmall, and afterwards greater expeditions againſt him. Whereupon Sylla, thinking it inconſiſtent with the honour of the Roman name, not to ſtand to the articles of peace, recalled Muræna out of Aſia.

(9.) *Sertorianæ atque Hiſpanienſis.*] Sertorius, a partizan of Marius, upon Sylla's return to Italy, fled with Cinna into Spain; where having gained many nations in thoſe parts to his intereſt, he ſupported the Marian cauſe with great bravery, and frequently routed the Roman armies. But being proſcribed

hitherto your generals have fought in ſuch a manner with this prince, as to carry off the trophies of victory, not victory itſelf. L. Sylla triumphed, L. Murena triumphed over Mithridates; both brave men, and accompliſhed commanders: but their triumphs were ſuch, as to leave him, after all his loſſes and defeats, in full poſſeſſion of royalty. Nevertheleſs theſe generals deſerve praiſe for what they did, and pardon for what they left undone: for the concerns of the commonwealth recalled Sylla, and Sylla himſelf recalled Murena from the proſecution of that war.

SECT. IV. But Mithridates employed the interval that followed, not in endeavours to blot out the memory of the ancient quarrel, but in concerting meaſures to renew the war: and, after building and equipping vaſt fleets; levying great armies in all the countries whence troops could be had; and cauſing a report to be ſpread, that his deſign was to make war upon the people of Boſphorus, his neighbours; he ſent ambaſſadors from Ecbatana into Spain, to treat with the generals then at war with the republick: that obliging you to make head both by ſea and land, againſt two mighty enemies acting in concert, and in provinces ſo very remote and diſtant from each other, you might find yourſelves embaraſſed by the double attack, and be reduced to the neceſſity of fighting for your empire. But one part of this ſtorm, which proceeded from Sertorius and Spain, and was by far the moſt formidable and threatening, was diſſipated by the divine conduct, and ſingular valour of Pompey: and in the other ſcene of action, affairs were ſo managed by Lucullus, that great and illuſtrious commander; that his glorious ſucceſſes in the beginning, may be juſtly attributed to his prudence, not to his good fortune; whereas thoſe latter diſaſters, which have ſince befallen him, ſeem purely the work of chance, and are not imputable to his miſconduct. But of Lucullus I will ſpeak elſewhere, and ſpeak in ſuch a manner, Romans, as neither to deprive him of any due praiſe, nor load him with falſe commendations. At preſent, as the chief deſign of my ſpeech is the honour and dignity of your empire, ſee what ought to be your reſentments upon this occaſion.

SECT. V. Your fore-fathers often engaged in war, to revenge the inſults offered to their merchants and ſeamen. How then ought you

NOTES.

ſcribed by Sylla, and betrayed by Marcus Antonius, Marcus Perpenna, and ſome others who had conſpired his deſtruction, he was ſlain at an entertainment in the ſix hundred and eighty-firſt year of the city. (10)

nuntio, atque uno tempore necatis, quo tandem animo esse debetis? legati quod erant (10.) appellati superbiùs, Corinthum partes vestri, totius Græciæ lumen, exstinctum esse voluerunt: vos eum Regem inultum esse patiemini, qui legatum populi Rom. Consularem, vinculis ac verberibus, atque omni supplicio excruciatum necavit? Illi libertatem civium Rom. imminutam non tulerunt: vos vitam ereptam negligetis? Jus legationis verbo violatum illi persecuti sunt: vos legatum populi Rom. omni supplicio interfectum, inultum relinquetis? Videte ne, ut illis pulcherrimum fuit tantam vobis imperii gloriam relinquere, sic vobis turpissimum sit, illud quod accepistis, tueri & conservare non posse. Quid, quod salus sociorum summum in periculum ac discrimen vocatur? regno expulsus est Ariobarzanes Rex, socius populi Romani atque amicus: imminent duo Reges toti Asiæ, non solùm vobis inimicissimi, sed etiam vestris sociis atque amicis: civitates autem omnes, cuncta Asia, atque Græcia vestrum auxilium expectare, propter periculi magnitudinem coguntur: Imperatorem à vobis certum deposcere, cùm præsertim vos alium miseritis, neque audent, neque se id facere summo sine periculo posse arbitrantur: vident, & sentiunt hoc idem, quod & vos, unum virum esse, in quo summa sint omnia, & eum prope esse (quo etiam carent ægrius) cujus adventu ipso, atque nomine, tametsi ille ad maritimum bellum venerit, tamen impetus hostium repressos esse intelligunt, ac retardatos. Hi vos, quoniam liberè loqui non licet, tacitè rogant, ut se quoque, sicut cæterarum provinciarum socios, dignos existimetis, quorum salutem tali viro commendetis: atque hoc etiam magis quàm cæteros, quòd ejusmodi in provinciam homines cum imperio misimus, ut, etiam si ab hoste defendant, tamen ipsorum adventus in urbeis sociorum non multum ab hostili expugnatione differant. Hunc audiebant antea, nunc præsentem vident, tantâ temperantiâ, tantâ mansuetudine, tantâ humanitate, ut ii beatissimi esse videantur, apud quos ille diutissime commoratur.

VI. Quare si propter socios, nulla ipsi injuria lacessiti, Majores vestri (11.) cum Antiocho, cum Philippo, cum Ætolis, cum Pœnis bella

NOTES.

(10.) *Appellati superbius.*] Corinth, one of the most considerable cities of Greece, situated on the Isthmus of Peloponnesus, was destroyed by the Romans under the conduct of Mummius, in the six hundred and seventh year of the city. The cause of this severe treatment is variously reported by historians. Strabo says, that the inhabitants bespattered the Roman ambassadors with filth from the tops of their houses. Livy and Asconius will have it, that they assaulted them publickly, and violated their character. Cicero says no more, than that they treated them in a haughty insolent manner. By this he would insinuate how much greater reason there was to be incensed against Mithridates, who had exercised such unheard-of cruelties upon a Roman ambassador of consular dignity.

(11.) *Cum Antiocho, cum Philippo, cum Pœnis.*] When Antiochus king of Syria had made an alliance with the Aetolians, and

you to be fired, when you call to mind, that in conſequence of a ſingle expreſs, ſo many thouſand Roman citizens were butchered in one day? Corinth, the pride and ornament of Greece, was by your anceſtors doomed to utter deſtruction, becauſe of the inſolent behaviour of the citizens to their ambaſſadors: and will you ſuffer the tyrant to eſcape with impunity, by whom a conſular ſenator of the Roman people was condemned to be bound, ſcourged, and put to death with the moſt cruel torments? Your fathers would not permit the leaſt infringement of their privileges: and will you tamely overlook the murder of Roman citizens? Theſe avenged even a verbal inſult upon the dignity of their ambaſſador: and ſhall the blood of a Roman ſenator, ſhed in the moſt cruel manner, cry for no vengeance from you? Beware, citizens, beware, leſt as it was glorious for them to tranſmit ſo extenſive an empire to poſterity, your inability to preſerve and defend it prove not infamous for you. What, to appear unconcerned when the very ſafety and being of your allies is at ſtake? Ariobarzanes, a ſovereign prince, the friend and confederate of the Roman people, is expelled his dominions. Two potent kings, the inveterate foes not only of Rome, but of every ſtate in amity and alliance with her, threaten all Aſia. The provinces of Greece, and beyond the Helleſpont, unable to repel the danger, look to you for aid; but without daring, or thinking it ſafe to name the particular general they want, becauſe you have already put another into that commiſſion. They ſee and know, as you do, that there is one man, in whom all great qualities meet; and are the more impatient to be without him, as he is ſo near at hand to undertake their defence. A man, whoſe very name and approach, though he came only veſted with a naval commiſſion, they nevertheleſs perceive to have checked and retarded the enemies attempts. And becauſe they dare not openly proclaim their deſires, they ſilently implore you, to conſider them in common with the other allied provinces, as worthy of the protection of ſuch a hero. This requeſt is the more reaſonable, as we have lately ſent them commanders, who indeed defended them from the enemy, but whoſe entrance into their cities differed little from taking them by ſtorm. As to the general now in their eye, they have formerly heard, but at preſent find him, ſo full of gentleneſs, moderation, and humanity, that happieſt appears the people among whom he longeſt reſides.

SECT. VI. If then your anceſtors, unprovoked by any injury themſelves, and merely for the ſake of their allies, engaged in war

NOTES.

and in conjunction with them was waging war upon the confederate ſtates of Greece; | the Romans, under whoſe protection they were, and who had honoured them with

bella geſſerunt; quanto vos ſtudio convenit injuriis provocatos, ſociorum ſalutem unâ cum imperii veſtri dignitate defendere, præſertim cùm de veſtris maximis vectigalibus agatur? Nam cæterarum provinciarum vectigalia, Quirites! tanta ſunt, ut iis, ad ipſas provincias tutandas, vix contenti eſſe poſſimus: Aſia verò tam opima eſt & fertilis, ut & ubertate agrorum, & varietate fructuum, & magnitudine paſtionis, & multitudine earum rerum quæ exportantur, facilè omnibus terris antecellat. Itaque hæc vobis provincia, Quirites, ſi ad belli utilitatem, & pacis dignitatem retinere vultis, non modo à calamitate, ſed etiam à metu calamitatis eſt defendenda. Nam cæteris in rebus cùm venit calamitas, tum detrimentum accipitur: at in vectigalibus non ſolùm adventus mali, ſed etiam metus ipſe affert calamitatem. Nam cum hoſtium copiæ non longe abſunt, etiamſi irruptio facta nulla ſit, tamen pecora relinquuntur, agricultura deſeritur, mercatorum navigatio conquieſcit. Ita (12.) neque ex portu, neque ex decumis, neque ex ſcriptura vectigal conſervari poteſt; quare ſæpe totius anni fructus uno rumore periculi, atque uno belli terrore amittitur. Quo tandem animo eſſe exiſtimatis, aut eos qui vectigalia vobis penſitant, aut eos qui exercent atque exigunt, cùm duo Reges cum maximis copiis prope adſint? cum una excurſio equitatûs perbrevi tempore totius anni vectigal auferre poſſit? cùm publicani familias maximas, quas (13.) in ſalinis habent, quas in agris, quas in portubus atque cuſtodiis, magno periculo ſe habere arbitrentur? Putatis-ne vos illis rebus frui poſſe, niſi eos, qui vobis fructui ſunt, conſervaveritis, non ſolùm (ut antè dixi) calamitate, ſed etiam calamitatis formidine liberatos?

VII.

NOTES.

the title of allies, generouſly undertook their defence, and ſent Glabrio at the head of an army, to ſupport them againſt their enemies. The Philip, here ſpoken of, muſt not be confounded with the father of Alexander the Great. He was, it is true, king of Macedon, but reigned not till long after him, and drew upon himſelf the Roman arms, by attacking the Athenians their Allies. The Carthaginians were engaged in three ſeveral wars with the Romans. Cicero here alludes doubtleſs to the ſecond, which was undertaken on account of the Saguntines, the Allies of the Roman people, whom the Carthaginians had injuriouſly attacked.

(12.) *Neque ex portu, neque ex decumis, neque ex ſcriptura vectigal conſervari poteſt.*] There were three kinds of tributes or taxes, from which the Roman ſtate drew very ample revenues. The firſt was what they called *decimæ* or *decumæ*, correſponding to our word *tythes*; thoſe were exacted not only of all the Romans, but of all the Roman allies, either within or without Italy, who farmed publick lands; But it is to be obſerved, that theſe were for the moſt part only laid on corns, wines, oils, and the ſmaller grains. The ſecond was what they called *ſcriptura*, a word which, I believe, cannot be rendered by any one word in our language. We know well enough, however, what idea the Romans affixed to it, and in what ſenſe they uſed it. They meant no more by it, than that branch of the revenue which was paid by thoſe who enjoyed the privilege of foreſts and paſture grounds belonging to the publick. This part of the Revenue was probably called *ſcriptura*, from the ſum agreed upon with the maſters of the cuſtoms for the ſaid privilege being entered

with Antiochus, Philip, the Aetolians, and Carthaginians: how much more ought you, irritated by a ſeries of perſonal affronts, to exert yourſelves warmly in a quarrel, where the dignity of your empire is united with the cauſe of your confederates; more eſpecially as the faireſt revenues of the republick are at ſtake? For the revenues of the other provinces are ſuch, as ſcarce to defray the expence of protecting them: but Aſia is a country ſo opulent and fertil, that whether we regard the richneſs of the ſoil, the variety of fruits, its abundant paſtures, and the multitude of commodities for exportation, it eaſily claims the preference to all other climates. And therefore, Romans, if you aſpire either at ſucceſs in war, or dignity in peace, you muſt not only defend this province from conqueſt, but even from the apprehenſion of being invaded. For in other affairs, the loſs is felt when the diſaſter happens: But in what regards the revenues of a ſtate, not only real misfortunes, but the very apprehenſion of them is productive of miſchief. For when an enemy approaches, though no irruption be yet made, the cattle are abandoned, agriculture is neglected, and commerce ſtagnates. Thus all taxes, whether upon ſhipping, manufactures, or the fruits of the earth, neceſſarily ceaſe; inſomuch that the bare rumour of danger, the very apprehenſion of a war, often ſinks the revenues of a whole year. What then may you ſuppoſe to be the ſituation, either of thoſe who pay, or thoſe who collect the publick tributes, when they ſee themſelves threatened with an invaſion from two formidable monarchs? When a ſingle incurſion of the enemy's cavalry may rifle at once the revenue of an entire year? When the farmers of the taxes ſhall perceive, that all the people employed under them, in the foreſts, in the fields, in ſea-ports, and in garriſons, are expoſed to imminent danger? Do you imagine it poſſible to enjoy the labours of all theſe, without preſerving the labourers themſelves, not only from the reality, but, as I ſaid before, from the very dread of danger?

SECT.

NOTES.

tered in a certain book. The third kind of tax was what they called *portorium*, which, except in a few minute circumſtances, correſponded to our cuſtoms laid upon goods imported and exported.

(13.) *In ſalinis habent.*] The word *ſalinis* here uſed, has occaſioned great diſputes among commentators. Indeed we learn from Pliny, lib. 31. cap. 7. that taxes on the ſalt-pits of Rome were appointed by Ancus Martius. But this tribute, upon the expulſion of the kings, was aboliſhed by a decree of the ſenate. And though it was afterwards renewed by *Marcus Livius* the cenſor, called thence *Salinator*; yet we never read in any period of the Roman hiſtory, of its being impoſed upon Aſia, or any other of the Roman provinces. Beſides, Cicero here ſpeaks of three kinds of tributes, but in no part of his works of that ariſing from ſalt-pits. I am therefore inclined to think, that we ought to read *ſalictis*, as we find it in many editions; and that Cicero has here in his eye the paſture-grounds, which abounded with groves of willows.

(14.)

VII. Ac ne illud quidem vobis negligendum eſt, quod mihi ego extremum propoſueram, cùm eſſem de belli genere dicturus, quod ad multorum bona civium Romanorum pertinet: quorum vobis pro veſtra ſapientia, Quirites, habenda eſt ratio diligenter. Nam & publicani, homines & honeſtiſſimi & ornatiſſimi, ſuas rationes & copias in illam provinciam contulerunt: quorum ipſorum per ſe res & fortunæ, curæ vobis eſſe debent; etenim ſi vectigalia nervos eſſe reipublicæ ſemper duximus; eum certe ordinem, qui exercet illa, firmamentum cæterorum ordinum rectè eſſe dicemus. Deinde cæteris ex ordinibus homines gnavi & induſtrii partim ipſi in Aſia negotiantur, quibus vos abſentibus conſulere debetis; partim ſuas, & ſuorum in ea provincia pecunias magnas (14.) collocatas habent. Erit igitur humanitatis veſtræ, magnum eorum civium numerum calamitate prohibere; ſapientiæ, videre multorum civium calamitatem à republica ſejunctam eſſe non poſſe. Etenim illud primum parvi refert, vos publicanis amiſſa vectigalia poſtea victoria recuperare; neque enim iiſdem redimendi facultas erit propter calamitatem, neque aliis voluntas propter timorem. Deinde quod nos eadem Aſia, atque idem iſte Mithridates intio belli Aſiatici docuit, id quidem certe calamitate docti memoriâ retinere debemus. Nam tum, cum in Aſia res magnas permulti amiſerunt, ſcimus Romæ, ſolutione impeditâ, fidem concidiſſe. Non enim poſſunt una in civitate multi rem atque fortunas amittere, ut non plureis ſecum in eandem calamitatem trahant. A quo periculo prohibete rempublicam; & mihi credite, id quod ipſi videtis, hæc fides, atque hæc ratio pecuniarum, quæ Romæ, quæ in foro verſatur, implicita eſt cum illis pecuniis Aſiaticis, & cohæret; ruere illa non poſſunt, ut hæc non eodem labefactata motu concidant. Quare videte, num dubitandum vobis ſit omni ſtudio ad id bellum incumbere, in quo gloria nominis veſtri, ſalus ſociorum, vectigalia maxima, fortunæ plurimorum civium cum republica defenduntur.

VIII. Quoniam de genere belli dixi, nunc de magnitudine pauca dicam. Poteſt enim hoc dici, belli genus eſſe ita neceſſarium, ut ſit gerendum: non eſſe ita magnum, ut ſit pertimeſcendum; in quo maximè

NOTES.

(14.) *Collocatas habent.*] Very many citizens had their fortunes lodged in the hands of the trading men, who, in the very nature of the thing, muſt ſuffer by the loſſes of theſe traders. Plutarch informs us, that in Aſia there were a great number of farmers of the publick revenues, and factors, who miſerably haraſſed that province; and that they conſiſted of all the ſeveral orders in Rome (except the ſenatorian) and eſpecially

SECT. VII. Nor ought you to overlook the laſt point I propoſed to mention, in ſpeaking of the nature of the war: I mean what regards the fortunes of many Roman citizens; to which, my countrymen, your wiſdom ought to pay a particular regard. For the farmers of the revenue, men of worth and rank in the republick, have conveyed all their wealth and effects into that province; and it is incumbent upon you, to beſtow your utmoſt attention upon the preſervation of their fortunes. For if we have ever conſidered the publick tributes as the ſinews of the ſtate, ſure that order of men, who are employed in collecting them, may be juſtly looked upon as the cement and ſupport of all the other orders. Beſides, a number of active and induſtrious men of other denominations, whoſe intereſt you ought to take care of in their abſence, are ſome now trading in Aſia, while others have laid out their money to a great extent in that province. Humanity therefore requires you, to protect the fortunes of ſuch a multitude of citizens; and prudence dictates, that the ruin of ſo many individuals, cannot fail to affect the publick proſperity. For it will avail but little to recover by a victory what the officers of the revenue may have loſt; becauſe ſuch as enjoyed the cuſtoms before, will be diſabled from renewing the farm, and others will avoid engaging through fear. Beſides, inſtructed by paſt misfortunes, we ought ſure to keep in mind, what the ſame province, and the ſame Mithridates taught us towards the beginning of the Aſiatic war. For a number of citizens ſuſtaining at that time great loſſes in Aſia, we know that publick credit was at a ſtand at Rome, from a general ſtoppage of payment. And indeed, where a multitude of individuals in any ſtate, ſuffer an entire ſhipwreck of their fortunes, it is impoſſible but others muſt be involved in the ſame calamity. Shield the commonwealth therefore from this danger, and give credit to a principle which experience muſt have taught you. The publick credit at Rome, the circulation of money in the forum, is connected with, and dependent upon the revenues of Aſia; the loſs of which muſt infallibly draw after it the ruin of the other. Judge then, whether you ought not to bend all your cares to the vigorous proſecution of a war, in which the glory of your empire, the ſafety of your allies, the principal revenues of the ſtate, and the properties of many illuſtrious citizens, are connected with the defence of the republick.

SECT. VIII. Having thus finiſhed what I had to ſay concerning the nature of the war, it now remains that I ſpeak of its greatneſs. And this much I will venture to affirm; that it is indeed a neceſſary

NOTES.

cially of the equeſtrian, of which there were many who were tythe-farmers, labourers, maſters of the cuſtoms, and collectors of the paſturage and foreſt money.

maximè laborandum eſt, ne forte à vobis quæ diligentiſſimè providenda ſunt, contemnenda eſſe videantur. Atque, ut omnes intelligant, me L. Lucullo tantum impertiri laudis, quantum forti viro, ſapientiſſimo homini, & magno Imperatori debeatur; dico ejus adventu maximas Mithridatis copias omnibus rebus ornatas, atque inſtructas fuiſſe, urbemque Aſiæ clariſſimam, nobiſque amiciſſimam, (15.) Cyzicenorum, obſeſſam eſſe ab ipſo Rege maxima multitudine, & oppugnatam vehementiſſimè: quam L. Lucullus virtute, aſſiduitate, conſilio, ſummis obſidionis periculis liberavit: ab eodem Imperatore claſſem magnam, & ornatam, quæ ducibus Sertorianis ad Italiam ſtudio inflammato raperetur, ſuperatam eſſe, atque depreſſam: magnas hoſtium præterea copias multis prœliis eſſe deletas, patefactumque noſtris legionibus eſſe Pontum, qui antè populo Rom. ex omni aditu clauſus eſſet: (16.) Sinopen atque Amiſum, quibus in oppidis erant domicilia Regis, omnibus rebus ornata atque referta, cæteraſque urbeis Ponti, & Cappadociæ permultas uno aditu, atque adventu eſſe captas: Regem ſpoliatum regno patrio atque avito, ad alios ſe Reges, atque alias gentes ſupplicem contuliſſe: atque hæc omnia, ſalvis Populi Romani ſociis, atque integris vectigalibus, eſſe geſta. Satis opinor hoc eſſe laudis: atque ita reputo, ut hoc vos intelligatis, è nullo iſtorum qui huic obtrectant legi atque cauſæ, L. Lucullum ſimiliter ex hoc loco eſſe laudatum.

IX. Requiretur fortaſſe nunc, quemadmodum, cùm hæc ita ſint, reliquum poſſit eſſe magnum bellum; cognoſcite, Quirites: non enim hoc ſine cauſa quæri videtur. Primum ex ſuo regno ſic Mithridates profugit, ut ex eodem Ponto (17.) Medea illa quondam profugiſſe dicitur: quam prædicant in fuga fratris ſui membra in iis locis, qua ſe parens perſequeretur, diſſipaviſſe, ut eorum collectio diſperſa,

NOTES.

(15.) *Cyzicenorum.*] Cyzicum, one of the fineſt cities of Aſia, was beſieged by ſea and land by Mithridates, with ſeveral machines of war, and eſpecially a wooden tower an hundrrd cubits high. But Lucullus having blocked him up on all ſides, and cut off his proviſions, he was obliged to raiſe the ſiege.

(16.) *Sinopen atque Amiſum.*] Sinope is a city upon the Euxine ſea, which at firſt ſtood out againſt the Romans; but being reduced to great extremities, the citizens ſet fire to their larger veſſels, and betook themſelves to their gallies, the more conveniently to make their eſcape. But Lucullus having at laſt maſtered the city, reſtored it to its former liberty; becauſe during the ſiege, he fanſied Antigonus appeared to him in a dream; who, having formerly accompanied Hercules in his expedition againſt the Amazons, choſe this city for himſelf. Amiſus was a town in the confines of Paphlagonia and Cappadocia, about a hundred and thirty miles diſtant from Sinope. Lucullus having made himſelf maſter of this laſt, advanced towards the other, which being abandoned by the inhabitants, was ſoon taken. He ſuffered them however to return, and live according to their own laws, becauſe the city was originally an Athenian colony.

(17.) *Medea illa.*] Medea flying from her father Æetes, whom ſhe had betrayed, by aſſiſting Jaſon to come at the golden fleece; in order to retard his purſuit, cut her

ſary and unavoidable war, yet not ſo conſiderable as to give cauſe of fear. My principal endeavour therefore on this occaſion, muſt be, that ſome particulars which deſerve your utmoſt attention, be not ſlightly overlooked as ſcarce worthy of notice. And here, that every one may be ſenſible how diſpoſed I am to allow all that praiſe to Lucullus, which is due to a brave citizen, a wiſe man, and a great general; I readily own, that at his arrival, the numerous forces of Mithridates were provided with every thing neceſſary or convenient; that Cyzicum, the nobleſt city of Aſia, and the beſt affected to Rome, was inveſted and vigorouſly preſſed by the king in perſon, at the head of a formidable army; and that the courage, aſſiduity, and admirable conduct of Lucullus, freed it from the imminent danger to which it was expoſed. I muſt add, that a ſtrong and well appointed fleet, fitted out by Sertorius's lieutenants, who burned with deſire to wreck their vengeance upon Italy, was by the ſame general defeated and ſunk: That in numberleſs encounters beſides, great bodies of the enemy's forces were overthrown: That Pontus, heretofore inacceſſible to the Roman people, was expoſed to the depredations of our legions: That Sinope and Amiſus, two cities of royal reſidence, adorned and provided with all the means of defence, with many other towns of Pontus and Cappadocia, were taken in one march, and in one approach; That Mithridates himſelf, deſpoiled of his hereditary and paternal dominions, was forced to fly a ſuppliant to other kings and ſtates: And that all theſe great actions were performed, without loſs to our allies, or diminution of our revenues. This, I think, ſufficiently ſpeaks his praiſe; and I believe you will readily allow, Romans, that none of the oppoſers of this law and meaſure, have ſo fully enlarged upon the merits of Lucullus from this place.

SECT. IX. But now, perhaps, it will be aſked, if theſe things are ſo, how can ſo difficult a war ſtill remain? Let us examine into this matter a little; for the queſtion is not without foundation. Know then, Romans, that Mithridates fled from his kingdom, juſt as the famed Medea is ſaid of old to have eſcaped out of the ſame Pontus: whom report feigns to have ſcattered the limbs of her murdered brother in thoſe places through which her father was to paſs, that the care of collecting them, and paternal grief, might ſtay

NOTES.

her brother Abſyrtus in pieces, and ſtrewed his limbs in the way; that the father's grief for the loſs of his ſon, and his concern to gather up his mangled remains, might employ him ſo long, as to afford her time to eſcape. (18.)

maximè laborandum eſt, ne forte à vobis quæ diligentiſſimè providenda ſunt, contemnenda eſſe videantur. Atque, ut omnes intelligant, me L. Lucullo tantum impertiri laudis, quantum forti viro, ſapientiſſimo homini, & magno Imperatori debeatur; dico ejus adventu maximas Mithridatis copias omnibus rebus ornatas, atque inſtructas fuiſſe, urbemque Aſiæ clariſſimam, nobiſque amiciſſimam, (15.) Cyzicenorum, obſeſſam eſſe ab ipſo Rege maxima multitudine, & oppugnatam vehementiſſimè: quam L. Lucullus virtute, aſſiduitate, conſilio, ſummis obſidionis periculis liberavit: ab eodem Imperatore claſſem magnam, & ornatam, quæ ducibus Sertorianis ad Italiam ſtudio inflammato raperetur, ſuperatam eſſe, atque depreſſam: magnas hoſtium præterea copias multis prœliis eſſe deletas, patefactumque noſtris legionibus eſſe Pontum, qui antè populo Rom. ex omni aditu clauſus eſſet: (16.) Sinopen atque Amiſum, quibus in oppidis erant domicilia Regis, omnibus rebus ornata atque referta, cæteraſque urbeis Ponti, & Cappadociæ permultas uno aditu, atque adventu eſſe captas: Regem ſpoliatum regno patrio atque avito, ad alios ſe Reges, atque alias gentes ſupplicem contuliſſe: atque hæc omnia, ſalvis Populi Romani ſociis, atque integris vectigalibus, eſſe geſta. Satis opinor hoc eſſe laudis: atque ita reputo, ut hoc vos intelligatis, è nullo iſtorum qui huic obtrectant legi atque cauſæ, L. Lucullum ſimiliter ex hoc loco eſſe laudatum.

IX. Requiretur fortaſſe nunc, quemadmodum, cùm hæc ita ſint, reliquum poſſit eſſe magnum bellum; cognoſcite, Quirites: non enim hoc ſine cauſa quæri videtur. Primum ex ſuo regno ſic Mithridates profugit, ut ex eodem Ponto (17.) Medea illa quondam profugiſſe dicitur: quam prædicant in fuga fratris ſui membra in iis locis, qua ſe parens perſequeretur, diſſipaviſſe, ut eorum collectio diſperſa,

NOTES.

(15.) *Cyzicenorum.*] Cyzicum, one of the fineſt cities of Aſia, was beſieged by ſea and land by Mithridates, with ſeveral machines of war, and eſpecially a wooden tower an hundrrd cubits high. But Lucullus having blocked him up on all ſides, and cut off his proviſions, he was obliged to raiſe the ſiege.

(16.) *Sinopen atque Amiſum.*] Sinope is a city upon the Euxine ſea, which at firſt ſtood out againſt the Romans; but being reduced to great extremities, the citizens ſet fire to their larger veſſels, and betook themſelves to their gallies, the more conveniently to make their eſcape. But Lucullus having at laſt maſtered the city, reſtored it to its former liberty; becauſe during the ſiege, he fanſied Antigonus appeared to him in a dream; who, having formerly accompanied Hercules in his expedition againſt the Amazons, choſe this city for himſelf. Amiſus was a town in the confines of Paphlagonia and Cappadocia, about a hundred and thirty miles diſtant from Sinope. Lucullus having made himſelf maſter of this laſt, advanced towards the other, which being abandoned by the inhabitants, was ſoon taken. He ſuffered them however to return, and live according to their own laws, becauſe the city was originally an Athenian colony.

(17.) *Medea illa.*] Medea flying from her father Æetes, whom ſhe had betrayed, by aſſiſting Jaſon to come at the golden fleece; in order to retard his purſuit, cut her

ſary and unavoidable war, yet not ſo conſiderable as to give cauſe of fear. My principal endeavour therefore on this occaſion, muſt be, that ſome particulars which deſerve your utmoſt attention, be not ſlightly overlooked as ſcarce worthy of notice. And here, that every one may be ſenſible how diſpoſed I am to allow all that praiſe to Lucullus, which is due to a brave citizen, a wiſe man, and a great general; I readily own, that at his arrival, the numerous forces of Mithridates were provided with every thing neceſſary or convenient; that Cyzicum, the nobleſt city of Aſia, and the beſt affected to Rome, was inveſted and vigorouſly preſſed by the king in perſon, at the head of a formidable army; and that the courage, aſſiduity, and admirable conduct of Lucullus, freed it from the imminent danger to which it was expoſed. I muſt add, that a ſtrong and well appointed fleet, fitted out by Sertorius's lieutenants, who burned with deſire to wreck their vengeance upon Italy, was by the ſame general defeated and ſunk: That in numberleſs encounters beſides, great bodies of the enemy's forces were overthrown: That Pontus, heretofore inacceſſible to the Roman people, was expoſed to the depredations of our legions: That Sinope and Amiſus, two cities of royal reſidence, adorned and provided with all the means of defence, with many other towns of Pontus and Cappadocia, were taken in one march, and in one approach; That Mithridates himſelf, deſpoiled of his hereditary and paternal dominions, was forced to fly a ſuppliant to other kings and ſtates: And that all theſe great actions were performed, without loſs to our allies, or diminution of our revenues. This, I think, ſufficiently ſpeaks his praiſe; and I believe you will readily allow, Romans, that none of the oppoſers of this law and meaſure, have ſo fully enlarged upon the merits of Lucullus from this place.

SECT. IX. But now, perhaps, it will be aſked, if theſe things are ſo, how can ſo difficult a war ſtill remain? Let us examine into this matter a little; for the queſtion is not without foundation. Know then, Romans, that Mithridates fled from his kingdom, juſt as the famed Medea is ſaid of old to have eſcaped out of the ſame Pontus: whom report feigns to have ſcattered the limbs of her murdered brother in thoſe places through which her father was to paſs, that the care of collecting them, and paternal grief, might ſtay

NOTES.

her brother Abſyrtus in pieces, and ſtrewed his limbs in the way; that the father's grief for the loſs of his ſon, and his concern to gather up his mangled remains, might employ him ſo long, as to afford her time to eſcape.

diſperſa, mœrorque patrius, celeritatem perſequendi retardaret; ſic Mithridates fugiens maximam vim auri atque argenti, pulcherrimarumque rerum omnium, quas & à Majoribus acceperat, & ipſe bello ſuperiore ex tota Aſia direptas in ſuum regnum congeſſerat, in Ponto omnem reliquit; hæc dum noſtri colligunt omnia diligentius, Rex ipſe è manibus effugit; ita illum in perſequendi ſtudio mœror, hos lætitia retardavit. Hunc in illo timore & fuga Tigranes rex Armenius excepit; diffidentemque rebus ſuis confirmavit, afflictum erexit, perditumque recreavit; cujus in regnum poſteaquam L. Lucullus cum exercitu venit, plures etiam gentes contra imperatorem noſtrum concitatæ ſunt. Erat enim metus injectus iis nationibus, quas numquam populus Romanus neque laceſſendas bello, neque tentandas putavit. Erat etiam alia gravis, atque vehemens opinio, quæ per animos gentium barbararum pervaſerat, ſani locupletiſſimi & religioſiſſimi diripiendi cauſâ, in eas oras noſtrum exercitum eſſe adductum. Ita nationes multæ, atque magnæ novo quodam terrore, ac metu concitabantur. Noſter autem exercitus, etſi (18.) urbem ex Tigranis regno ceperat, & prœliis uſus erat ſecundis, tamen nimia longinquitate locorum, ac deſiderio ſuorum commovebatur. Hîc jam plura non dicam. Fuit enim illud extremum, ut ex iis locis à militibus noſtris reditus magis maturus, quam proceſſio longior quæreretur. Mithridates autem & ſuam manum jam confirmarat, & eorum, qui ſe ex ejus regno collegerant, & magnis adventitiis multorum regum & nationum copiis juvabatur. Hoc jam ferè ſic fieri ſolere accepimus, ut regum afflictæ fortunæ facile multorum opes alliciant ad miſericordiam, maximeque eorum, qui aut reges ſunt, aut vivunt in regno; quod regale iis nomen magnum & ſanctum eſſe videatur. Itaque tantum victus efficere potuit, quantum incolumis nunquam eſt auſus optare. Nam cum ſe in regnum recepiſſet ſuum, non fuit eo contentus, quod ei præter ſpem acciderat, ut eam, poſteaquam pulſus erat, terram unquam attingeret: ſed (19.) in exercitum veſtrum clarum atque victorem

NOTES.

(18.) *Urbem ex Tigranis regno ceperat.*] Our author here means Tigranocerta, the capital of Armenia, which Tigranes built, and called after his own name. The walls of it were fifty cubits high; and all the great and wealthy men of the kingdom, to teſtify their regard for their prince, had removed thither with their treaſures, and made it the place of their abode. Plutarch tells us, that Lucullus found here eight thouſand talents, beſides much other riches. It was here too that he defeated the forces of Mithridates and Tigranes, conſiſting of two hundred and fifty thouſand foot, and fifty thouſand horſe. After this overthrow, the two kings aſſembled another army, of ſeventy thouſand foot, and thirty five thouſand horſe, which was again routed by Lucullus: upon which Tigranes retired farther into Armenia, and Mithridates made the beſt of his way to Pontus.

(19.) *In exercitum veſtrum clarum atque victorem.*] Firſt he fell upon L. Flaccus, whom Lucullus had left to command the army in Pontus: And then upon C. Triarius, one of Lucullus's lieutenants, who was ſent with a new army to ſucceed Flaccus. Triarius hearing that Lucullus was upon the march

ſtay the celerity of his purſuit. Thus Mithridates, to favour his flight, left in Pontus an immenſe collection of gold and ſilver, and other valuable and coſtly ornaments, which he had either inherited from his anceſtors, or got by plunder in the laſt Aſiatic war, and treaſured up in his own dominions. While our troops were employed in pillaging theſe, the perſon of the king eſcaped. Thus in the former caſe grief, in the latter joy, checked the eager deſire of purſuit. In this flight, and under the influence of theſe terrors, he took refuge with Tigranes king of Armenia, who received him kindly, rouzed him from his diffidence, cheared him in his diſtreſs, and reſtored him to ſome degree of hope. Lucullus followed him with his army into this prince's territories, where he found many nations ready to oppoſe him, from the dread they entertained of the Roman forces, though they were far from any deſign either to provoke or attack them. A prevalent and general perſuaſion had likewiſe taken hold of the minds of theſe barbarians, that the deſign of pillaging a rich and awful temple, had brought our army into thoſe parts. Thus many very powerful nations were ſpirited up againſt us, by a new kind of terror and dread. Meanwhile our troops, though they took the capital of Tigranes's kingdom, and routed the enemy in ſeveral encounters, were nevertheleſs diſmayed at the diſtance of the provinces in which they fought, and ſeized with a deſire to return to their own country. Here let me ſtop: For the iſſue of all was, that our ſoldiers diſcovered a greater inclination to retire, than to advance. But Mithridates had by this time revived the courage of his troops, and found his army greatly increaſed by multitudes that flocked to him from his own dominions, and the numerous reinforcements of many foreign kings and nations. This we learn from experience to be frequently the caſe, that the eminent diſtreſſes of princes, by the compaſſion they are apt to excite, raiſe powerful confederacies in their favour, eſpecially of ſuch as are either monarchs themſelves, or live in ſubjection to monarchy; becauſe to them the name of royalty ſounds great and venerable. Accordingly he was able to effect more after his defeat, than in the very height of his proſperity he durſt preſume to hope. For when he returned to his own kingdom, not contented with ſo unexpected a piece of good fortune, in recovering the poſſeſſion of a country whence he thought himſelf expelled for ever, he even had the boldneſs to attack your

NOTES.

march himſelf to join the army, and deſiring to engroſs the whole glory of the victory, gave Mithridates battle; in which he was routed, with the loſs of twenty-four military tribunes, an hundred and fifty centurions, and upwards of ſeven thouſand private men.

(20.)

victorem impetum fecit. Sinite hoc loco, Quirites (ſicut poëtæ ſolent, qui res Romanas ſcribunt) præterire me noſtram calamitatem: quæ tanta fuit, ut eam ad aures L. Luculli non ex prœlio nuntius, ſed ex ſermone rumor afferret. Hic in ipſo illo malo, graviſſimaque belli offenſione L. Lucullus, qui tamen aliqua ex parte iis incommodis mederi fortaſſe potuiſſet, veſtro juſſu coactus, quod imperii diuturnitati modum ſtatuendum, veteri exemplo putaviſtis, partem militum, qui jam ſtipendiis confecti erant, dimiſit, partem Glabrioni tradidit. Multa prætereo conſultò: ſed ea vos conjectura perſpicite, quantum illud bellum futurum putetis, quod conjungant reges potentiſſimi, renovent agitatæ nationes, ſuſcipiant integræ gentes, novus imperator veſter accipiat, vetere expulſo exercitu.

X. Satis mihi multa verba feciſſe videor, quare hoc bellum eſſet genere ipſo neceſſarium, magnitudine periculoſum. Reſtat ut de imperatore ad id bellum diligendo, ac tantis rebus præficiendo, dicendum eſſe videatur. Utinam, Quirites, virorum fortium, atque innocentium copiam tantam haberetis, ut hæc vobis deliberatio difficilis eſſet, quemnam potiſſimum tantis rebus ac tanto bello præficiendum putaretis. Nunc vero cum ſit unus Cn. Pompeius qui non modo eorum hominum, qui nunc ſunt, gloriam, ſed etiam antiquitatis memoriam virtute ſuperarit; quæ res eſt, quæ cujuſquam animum in hac cauſa dubium facere poſſit? Ego enim ſic exiſtimo, in ſummo imperatore quatuor has res ineſſe oportere, ſcientiam rei militaris, virtutem, auctoritatem, felicitatem. Quis igitur hoc homine ſcientior unquam aut fuit, aut eſſe debuit? qui è ludo atque pueritiæ diſciplina, bello maximo, atque acerrimis hoſtibus (20.) ad patris exercitum, atque in militiæ diſciplinam profectus eſt: qui extrema pueritia miles fuit ſummi imperatoris, ineunte adoleſcentia (21.) maximi ipſe exercitus imperator: qui ſæpiùs cum hoſte conflixit, quàm quiſquam cum inimico concertavit; plura bella geſſit, quam cæteri legerunt; plureis provincias confecit, quàm alii concupiverunt: cujus adoleſcentia ad ſcientiam rei militaris non alienis præceptis, ſed ſuis imperiis; non offenſionibus belli, ſed victoriis;

NOTES.

(20.) *Ad patris exercitum.*] Namely Cn. Pompeius Strabo, who was Cato's collegue in the conſulſhip. He ſerved with great reputation as proconſul during the Italic war, and was afterwards general of the army ſent to act againſt Cinna; on which occaſion his ſon Pompey the Great, then but ſeventeen years old, ſerved under him, as we learn from Plutarch.

(21.) *Maximi ipſe exercitus imperator.*] Plutarch and Florus relate, that while he was only a private man, and not exceeding three and twenty years of age, he levied an army in Picenum, and being joined by the whole body of the nobility, entered Sylla's camp at the head of three legions. In his march, he ſecured the friendſhip of ſeveral ſtates of Italy; challenged Scipio and Carbo, the generals of the oppoſite party, to an engagement; and upon his coming up to Sylla, was by him ſaluted *imperator*, and immediately after ſent into Celtiberia at the head of an army.

(22.)

brave and victorious army. Suffer me, Romans, in this place, after the example of the poets who write of your affairs, to ſuppreſs the mention of our calamity: A calamity ſo great, that it reached the ears of Lucullus, not by any meſſenger eſcaped from the battle, but by the reports of publick rumour. In this ſcene of diſtreſs, and amidſt the heavy loſſes of ſo deſtructive a war, L. Lucullus, who might in ſome meaſure, perhaps, have found a remedy for theſe evils, conſtrained by your orders; which, in imitation of former times, ſet bounds to the duration of his command, diſmiſſed that part of the army which had compleated its legal term of ſervice, and delivered over the other to Glabrio. I deſignedly paſs over many things; leaving it to your own conjectures to inform you, how important that war is like to prove, in which, after the defeat of your former army, you are ſtill to oppoſe, under the auſpices of a new commander, the confederacy of two powerful kings, the renewed hoſtilities of reſentful nations, and the entire forces of unſubdued countries.

SECT. X. Methinks I have ſaid enough to prove, that this war is in its nature neceſſary, and by its importance dangerous. Let me now ſpeak of the choice of a general, fit to command in ſuch a war, and have the charge of ſo great an undertaking. It were to be wiſhed, Romans, that this ſtate ſo abounded with men of courage and probity, as to make it a matter of difficulty to determine, to whom chiefly you ſhould entruſt the conduct of ſo important and dangerous a war. But as Pompey is univerſally allowed, not only to ſurpaſs the generals of the preſent age, but even thoſe of antiquity in military fame; what reaſon can any man aſſign, why he ſhould heſitate a moment in the preſent choice? To me four qualifications ſeem requiſite to form a compleat general, a thorough knowledge of war, valour, authority, and good fortune. But where is the man that poſſeſſes, or indeed can be required to poſſeſs greater abilities in war, than Pompey? One that from a boy, and the exerciſes of the ſchool, paſſed into his father's camp, and began the ſtudy of the military art, during the progreſs of a raging war, maintained by a furious enemy? Who, before the period of childhood was elapſed, commenced a ſoldier under a great general? Who, in the very dawn of youth, was himſelf at the head of a mighty army? Who has fought more pitched battles, than others have maintained perſonal diſputes? Carried on more wars, than others have acquired knowledge of by reading? Reduced more provinces, than others have aſpired to even in thought? Whoſe youth was trained to the profeſſion of arms, not by precepts derived from others, but the higheſt offices of command; not by perſonal

toriis; non ſtipendiis, ſed triumphis eſt erudita. Quod denique genus belli eſſe poteſt, in quo illum non exercuerit fortuna reipublicæ? (22.) Civile, Africanum, Tranſalpinum, Hiſpanienſe, miſtum ex civitatibus atque ex bellicoſiſſimis nationibus, ſervile, navale bellum. Varia & diverſa genera & bellorum, & hoſtium non ſolum geſta ab hoc uno, ſed etiam confecta, nullam rem eſſe declarant in uſu militari poſitam, quæ hujus viri ſcientiam fugere poſſit.

XI. Jam vero virtuti Cn. Pompeii quæ poteſt par oratio inveniri? quid eſt, quod quiſquam aut illo dignum, aut vobis novum, aut cuiquam inauditum poſſit afferre? Non enim illæ ſunt ſolæ virtutes imperatoriæ, quæ vulgo exiſtimantur, labor in negotiis, fortitudo in periculis, induſtria in agendo, celeritas in conficiendo, conſilium in providendo: quæ tanta ſunt in hoc uno, quanta in omnibus reliquis imperatoribus, quos aut vidimus, aut audivimus, non fuerunt. (23.) Teſtis eſt Italia, quam ille ipſe victor L. Sulla hujus virtute & conſilio confeſſus eſt liberatam: teſtis eſt Sicilia, quam multis undique cinctam periculis, non terrore belli, ſed celeritate conſilii explicavit: teſtis eſt Africa, quæ magnis oppreſſa hoſtium copiis, eorum ipſorum ſanguine redundavit: teſtis eſt Gallia, per quam legionibus noſtris in Hiſpaniam iter, Gallorum internecione, patefactum eſt: teſtis eſt Hiſpania, quæ ſæpiſſime plurimos hoſteis ab hoc ſuperatos proſtratoſque conſpexit: teſtis eſt iterum & ſæpius Italia, quæ, cum ſervili bello tetro periculoſoque premeretur, ab hoc auxilium abſente expetivit: quod bellum expectatione Pompeii attenuatum atque imminutum eſt, adventu ſublatum ac ſepultum; teſtes vero jam omnes oræ, atque omnes exteræ gentes ac nationes: denique maria omnia, tum univerſa, tum in ſingulis oris omnes ſinus, atque portus. Quis enim toto mari locus per hos annos, aut tam firmum habuit præſidium, ut tutus eſſet? aut tam fuit abditus, ut lateret? quis navigavit, qui non ſe, aut mortis, aut ſervitutis periculo committeret? cùm aut hieme, aut referto prædonum mari

NOTES.

(22.) *Civile, Africanum, Tranſalpinum.*] The orator here repreſents Pompey as a man conſummate in all the parts of war, as having had opportunities of acquiring experience in every kind of it that can happen. He had acted in the civil war between Marius and Sylla; in the African, againſt Cn. Domitius; in the Tranſalpine, againſt the Gauls; in the Spaniſh, againſt Sertorius; in the ſervile, againſt Spartacius; and by ſea, againſt the pirates.

(23.) *Teſtis eſt Italia, Sicilia, Africa.*] We have here an enumeration of the different theatres, on which Pompey had diſplayed his military virtues. Italy had beheld him voluntarily raiſe an army, to ſupport the cauſe of Sylla and the republick. Sicily was by his arrival freed from the devaſtations of Perpenna and Carbo, who after quitting Italy, had taken poſſeſſion of that iſland. Africa ſaw him victorious over Cn. Domitius, and Hiarba king of Numidia. Gaul had her troops cut in pieces for oppoſing his march into Spain. And Spain, abounding in warlike nations, headed by a general of diſtinguiſhed reputation, was yet unable to withſtand this mighty conqueror. In ſhort, all the nations of Aſia, all the maritime

perſonal miſtakes in war, but a train of important victories; not by a ſeries of campaigns, but a ſucceſſion of triumphs? In fine, what ſpecies of war can be named, in which the fortune of the republick has not given him an opportunity of exerciſing himſelf? The civil, the African, the Tranſalpine, the ſervile, the naval; together with that of Spain, in which ſuch a multitude of our own citizens and warlike foreigners were concerned. So many and different wars, againſt ſuch a variety of foes, not only carried on, but happily terminated by this one man, ſufficiently proclaim, that there is no part of military knowledge in which he is not an accompliſhed maſter.

SECT. XI. But where can I find expreſſions equal to the valour of Cneus Pompey? What can any one deliver on this ſubject, either worthy of him, new to you, or unknown to the moſt diſtant nations? For theſe, as common opinion would have it, are not the only virtues of a general; induſtry in buſineſs, intrepidity in dangers, vigour in action, promptneſs in execution, prudence in concerting: All which qualities appear with greater luſtre in him, than in all the other generals we ever ſaw or heard of. Italy is a witneſs, which the victorious Sylla himſelf owned was delivered by his valour and timely ſuccour. Sicily is a witneſs, which he extricated from the many dangers that ſurrounded her on every ſide, not by the terror of his arms, but by the promptitude of his counſels. Africa is a witneſs, which overflowed with the blood of thoſe very enemies, that in numerous ſwarms laid waſte her fields. Gaul is a witneſs, through which a way was laid open for our legions into Spain, by the ſlaughter of her armies. Spain is a witneſs, which has often beheld multitudes of our enemies overthrown and cut to pieces by this hero. Italy is again and repeatedly a witneſs, which when oppreſſed with the cruel and formidable war of the gladiators, implored his aſſiſtance in his abſence. The very rumour of his approach damped and broke the force of that war, and his arrival extinguiſhed and cut it up by the roots. At preſent all maritime ſtates, all foreign kingdoms and nations, the whole extent of the ocean, with the moſt diſtant bays and harbours on every coaſt, are ſo many witneſſes of his merit. For what ſea was of late years ſo well guarded as to be ſecure? So retired as to eſcape the reſearches of our enemies? Where was the ſailor, that in venturing himſelf upon the ocean, did not hazard the loſs either of life or liberty; being obliged to traverſe ſeas covered with

NOTES.

ritime ſtates along the coaſt of the Mediterranean, all the ſeas, gulfs, and havens, which had of late ſwarmed with pirates, were ſo many witneſſes of his renown, and ready to bear teſtimony to his victories by ſea and land. (24.)

mari navigaretur. Hoc tantum bellum, tam turpe, tam vetus, tam latè diviſum, atque diſperſum, quis unquam arbitraretur aut ab omnibus imperatoribus uno anno, aut omnibus annis ab uno imperatore confici poſſe? Quam provinciam tenuiſtis à prædonibus liberam per hoſce annos? quod vectigal vobis tutum fuit? quem ſocium defendiſtis? cui præſidio claſſibus veſtris fuiſtis? quam multas exiſtimatis inſulas eſſe deſertas? quam multas aut metu relictas, aut à prædonibus captas urbeis eſſe ſociorum?

XII. Sed quid ego longinqua commemoro? fuit hoc quondam, fuit proprium populi Romani, longè à domo bellare, & propugnaculis imperii ſociorum fortunas, non ſua tecta defendere. Sociis veſtris ego mare clauſum per hoſce annos dicam fuiſſe, cum exercitus noſtri Brunduſio nunquam, niſi ſumma hieme, tranſmiſerint? Quid ad nos cùm ab exteris nationibus venirent, captos querar, cum legati populi Romani redempti ſint? mercatoribus tutum mare non fuiſſe dicam, cum (24.) duodecim ſecures in prædonum poteſtatem pervenerint? Quid aut Colophonem aut Samum nobiliſſimas urbeis, innumerabileſque alias captas eſſe commemorem, cum veſtros portus, atque eos portus, quibus vitam & ſpiritum ducitis, in prædonum fuiſſe poteſtate ſciatis? An vero ignoratis, portum Caietæ celeberrimum, atque pleniſſimum navium, inſpectante Prætore, à prædonibus eſſe direptum? Ex Miſeno autem, ejus ipſius liberos, qui cum prædonibus antea ibi bellum geſſerat, à prædonibus eſſe ſublatos? Nam quid ego (25.) Oſtienſe incommodum, atque illam labem, atque ignominiam reipublicæ quærar, cum prope inſpectantibus vobis claſſis ea, cui Conſul populi Romani præpoſitus eſſet, à prædonibus capta, atque oppreſſa eſt? Pro dii immortales! tantamne unius hominis incredibilis, ac divina virtus tam brevi tempore lucem afferre reipublicæ potuit, ut vos, qui modò ante oſtium Tiberinum claſſem hoſtium videbatis, ii nunc nullam intra Oceani oſtium prædonum navem eſſe audiatis? Atque hæc qua celeritate geſta ſint quamquam videtis, tamen à me in dicendo prætereunda non ſunt. Quis enim unquam, aut obeundi negotii, aut conſequendi quæſtus ſtudio, tam brevi tempore tot loca adire, tantos curſus conficere potuit, quàm celeriter, Cn. Pompeio duce, belli

NOTES.

(24.) *Duodecim ſecures.*] He here places the twelve axes, or badges of diſtinction of the prætor's office, for the prætors themſelves. The prætors had two axes carried before them in the city, and ſix in their provinces. Hence we learn, from the number twelve here mentioned, that two prætors were made priſoners on this occaſion. Theſe were Sextilius and Bilinus, who, as Plutarch informs us, were ſeized, together with their badges and lictors, by the pirates.

(25.) *Oſtienſe incommodum.*] Oſtia was a city built by Ancus Martius, at the mouth of the Tiber. So daring were the pirates, that they landed at this town, and burnt and plundered the Roman veſſels; and, as if they entertained no thoughts of returning, they remained there, with all their booty and the priſoners that had eſcaped ſlaughter, as in a city belonging to themſelves.

with pirates, or expoſe himſelf to the inclemency of the winter? Who would ever have believed, that a war ſo conſiderable, ſo ſhameful, ſo laſting, ſo various and widely diffuſed, could have either been finiſhed in one year by all the generals of the commonwealth, or by one general in the compaſs of a whole life? What province did you poſſeſs at that time uninfeſted by pirates? What branch of your revenue was ſafe? Which of your allies did your arms ſcreen from inſult? What ſtate was protected by your fleets? How many iſles were forſaken by their inhabitants? How many confederate cities were either abandoned through fear, or became the prey of mercileſs pirates?

SECT. XII. But why do I confine myſelf to the mention of remote tranſactions? It was of old, it was, I ſay, the diſtinguiſhing character of the Roman people, to make war upon diſtant countries, and employ the forces of the empire, not in defence of their own habitations, but to guard the properties of their allies. Shall I take notice of the ſea's being ſhut up to your allies, when the very armies of the republick durſt not paſs over to Brunduſium but in the dead of winter? Shall I complain of the many priſoners made of foreign nations on their journey to Rome, when a ranſom was paid even for the ambaſſadors of the Roman people? Shall I mention how unſafe the ocean was to merchants, when the twelve lictors of your chief magiſtrate fell into the hands of pirates? Why ſhould I ſpeak of Cnidus, Colophon, or Samos, with innumerable other ſtately cities taken by the Corſairs, when you know that your very harbours, thoſe harbours whence you derive your ſtrength and greatneſs, were forced to ſubmit to their ſway? Have you forgot that the celebrated port of Cajeta, when full of ſhips, was, in preſence of a Roman prætor, plundered by pirates? That the children of the very man, who had formerly fought them on that coaſt, were by them carried off from Miſenum? Need I deplore our loſs at Oſtia, ſo diſhonourable to the commonwealth, when a fleet commanded by a Roman conſul, was taken and deſtroyed by pirates, almoſt within view of Rome itſelf? Immortal gods! could the incredible and aſtoniſhing valour of one man, in ſo ſhort a time throw ſuch a luſtre on the ſtate, that you, who ſo lately ſaw a fleet of enemies in the mouth of the Tiber, hear not now of one pirate within the limits of the Mediterranean? Nor muſt I forget with what diſpatch all this was executed, though you yourſelves are no ſtrangers to it. For what man, either urged by the calls of buſineſs, or prompted by a deſire of gain, could in ſo ſhort a time, viſit ſo many coaſts, and accompliſh ſo many voyages, as the fleet under the command of Pompey has done in the purſuits of war? Before the ſeaſon for ſailing was come, he touched at Sicily, viſit-

belli impetus navigavit? qui, nondum tempestivo ad navigandum mari, Siciliam adiit, Africam exploravit, inde Sardiniam cum classe venit: atque hæc tria frumentaria subsidia reipublicæ firmissimis præsidiis classibusque munivit. Inde se cùm in Italiam recepisset, duabus Hispaniis, & Gallia Cisalpina præsidiis ac navibus confirmata, missis item in oram Illyrici maris & in Achaiam, omnemque Græciam navibus, Italiæ duo maria maximis classibus, firmissimisque præsidiis adornavit: ipse autem, ut à Brundusio profectus est, undequinquagesimo die totam ad imperium populi Romani Ciliciam adjunxit: omnes qui ubique prædones fuerunt, partim capti interfectique sunt, partim unius hujus imperio ac potestati se dediderunt. Idem Cretensibus, cùm ad eum usque in Pamphyliam (26.) legatos deprecatoresque misissent, spem deditionis non ademit, obsidesque imperavit. Ita tantum bellum, tam diuturnum, tam longe lateque dispersum, quo bello omnes gentes ac nationes premebantur, Cn. Pompeius extremâ hieme apparavit, ineunte vere suscepit, mediâ æstate confecit.

XIII. Est hæc divina atque incredibilis virtus Imperatoris. Quid cæteræ, quas paulo ante commemorare cœperam, quantæ, atque quàm multæ sunt? non enim solum bellandi virtus in summo atque perfecto Imperatore quærenda est: sed multæ sunt artes eximiæ, hujus administræ, comitesque virtutis. Ac primum quantâ innocentiâ debent esse Imperatores? quantâ deinde omnibus in rebus temperantia? quantâ fide? quantâ facilitate? quanto ingenio? quantâ humanitate? Quæ breviter, qualia sint in Cn. Pompeio consideremus; summa enim omnia sunt, Quirites! sed ea magis ex aliorum contentione, quàm ipsa per sese cognosci, atque intelligi possunt. Quem enim possumus Imperatorem aliquo in numero putare, cujus in exercitu væneant centuriatus, atque vænierint? quid hunc hominem magnum aut amplum de republica cogitare, qui pecuniam ex ærario depromptam ad bellum administrandum, aut propter cupiditatem provinciæ Magistratibus diviserit? aut propter avaritiam Romæ in quæstu reliquerit? Vestra admurmuratio facit, Quirites, ut agnoscere videamini, qui hæc fecerint. Ego autem neminem nomino; quare irasci mihi nemo poterit, nisi qui ante de se voluerit confiteri. Itaque propter hanc avaritiam Imperatorum

NOTES.

(26.) *Legatos deprecatoresque.*] The Cretans dreading, lest if Metellus made himself master of the island, he would put all the inhabitants to the sword, sent ambassadors to Pompey, with a proffer of surrendering themselves to him, from whom they expected a milder fate. Pompey, willing to deprive Metellus of the glory of conquering Crete, sent Octavius, one of his lieutenants, with orders that he should withdraw from the island. Octavius even went so far, as to aid the Cretans against Metellus, whom nevertheless he forced to submit, and punished them with great severity. Though this circumstance in reality reflects no great honour upon Pompey, yet Cicero here artfully turns it to his praise.

(27.)

ed the coaſt of Africa, and thence returning to Sardinia with his fleet, ſecured there three granaries of the republick, with ſtrong ſquadrons and garriſons. After this, having ſtrengthened the two Spains and Ciſalpine Gaul with troops and fleets, and ſent detachments to Illyricum, Achaia, and all the ſtates of Greece, he bent his courſe towards Italy; where leaving powerful ſquadrons and garriſons behind him, to maintain the repoſe of the Adriatic and Tuſcan ſeas, he in forty-nine days after weighing from Brunduſium, added all Cilicia to the Roman empire, and either took, deſtroyed, or forced to ſubmit to his authority, all the pirates that had ſo long infeſted the coaſts of the Mediterranean. The ſame general, when the Cretans ſent ambaſſadors to him as far as Pamphylia, to implore his clemency, did not diſcourage their hopes of being admitted to a ſurrender, but ordered them to give hoſtages. Thus Pompey, in the end of winter prepared for, in the beginning of ſpring entered upon, and towards the middle of ſummer finiſhed this formidable war, which had continued ſo long, and was become ſo wide and univerſal, as to involve in its boſom all ſtates and nations.

SECT. XIII. Such is the divine and incredible valour of this general. But what are we to think of thoſe other numberleſs and aſtoniſhing virtues I mentioned before? For ability in war is not the only qualification we are to look for in a great and conſummate general. Many other illuſtrious talents ought to accompany and march in the train of this virtue. And firſt, what ſpotleſs innocence is required in the character of a general? What temperance in all circumſtances of life? What untainted honour? What affability? What penetration? What a fund of humanity? Let us briefly examine how conſpicuous all theſe qualities are in Pompey: For here, Romans, we ſhall find them in the moſt exalted degree. But we can never ſo well know and comprehend them by conſidering them a-part, as when we judge of them in compariſon with others. Is that man to be ranked among the number of great generals, in whoſe army commiſſions are bought and ſold? Can he have high and honourable views for the intereſt of the ſtate, who employs the money furniſhed out of the treaſury towards the carrying on a war, either in bribing the magiſtrates to procure him ſome beneficial province, or in ſerving the mean purpoſes of uſury at Rome? Your whiſpers, Romans, diſcover, that you know the perſons chargeable with this reproach. For my part, I name nobody; nor can any one take offence, without previouſly owning himſelf guilty. But which of you is ignorant of the many cruel calamities occaſioned by this avarice of generals in all places where our armies come? Call to mind the marches that have of late

peratorum quantas calamitates, quocumque ventum ſit, noſtri exercitus ferant, quis ignorat? Itinera, quæ per hoſce annos in Italia, per agros atque oppida civium Romanorum noſtri Imperatores fecerunt, recordamini: tum facilius ſtatuetis, quid apud exteras nationes fieri exiſtimetis; utrùm plures arbitramini per hoſce annos militum veſtrorum armis hoſtium urbeis, an hibernis, ſociorum civitates eſſe deletas? neque enim poteſt exercitum is continere Imperator, qui ſe ipſum non continet: neque ſeverus eſſe in judicando, qui alios in ſe ſeveros eſſe judices non vult. Hîc miramur, hunc hominem tantum excellere cæteris, cujus legiones ſic in Aſiam pervenerunt, ut non modo manus tanti exercitûs, ſed ne veſtigium quidem cuiquam pacato nocuiſſe dicatur? Jam verò quemadmodum milites hibernent, quotidiè ſermones ac literæ perferuntur; non modò ut ſumptum faciat in militem, nemini vis affertur; ſed ne cupienti quidem cuiquam permittitur; hiemis enim non avaritiæ perfugium Majores noſtri in ſociorum atque amicorum tectis eſſe voluerunt.

XIV. Age verò, cæteris in rebus quali ſit temperantia, conſiderate; unde illam tantam celeritatem, & tam incredibilem curſum initum putatis? non enim illum eximia vis remigum, aut ars inaudita quædam gubernandi, aut venti aliqui novi tam celeriter in ultimas terras pertulerunt; ſed hæ res, quæ cæteros remorari ſolent, non retardarunt: non avaritia ab inſtituto curſu ad prædam aliquam devocavit, non libido ad voluptatem, non amœnitas ad delectationem, non nobilitas urbis ad cognitionem, non denique labor ipſe ad quietem: poſtremo (27.) ſigna & tabulas, cæteraque ornamenta Græcorum oppidorum, quæ cæteri tollenda eſſe arbitrantur, ea ſibi ille ne viſenda quidem exiſtimavit. Itaque omnes quidem nunc in his locis Cn. Pompeium, ſicut aliquem non ex hac urbe miſſum, ſed de cœlo delapſum intuentur: nunc denique incipiunt credere, fuiſſe homines Romanos hac quondam abſtinentiâ; quod jam nationibus exteris incredibile, ac falsò memoriæ proditum videbatur. Nunc imperii noſtri ſplendor illis gentibus lucet: nunc intelligunt, non ſine cauſa Majores ſuos tum, cùm hac temperantia Magiſtratus habebamus, ſervire populo Romano, quàm imperare aliis maluiſſe.

NOTES.

(27.) *Signa et tabulas*] It was uſual with the Roman commanders, when they found any pictures or ſtatues of value in a conquered city, to ſeize and ſend them to Rome. This humour became at laſt ſo prevalent, that it proved a plentiful ſource of oppreſſion to the ſubjects of the commonwealth. For even the governors of provinces, thinking they might take the ſame liberty with the cities under their command, rifled them of every thing valuable in this kind, without ſparing ſo much as the ſtatues of their gods.

(28.)

years been made by our generals in Italy, thorough towns and territories belonging to Roman citizens. You will thereby the more eaſily be enabled to form a judgment of what muſt have paſſed in foreign countries. I will even venture to affirm, that your enemies have ſuffered leſs by the arms of your troops, than your allies by furniſhing them winter-quarters. For that general can never reſtrain his ſoldiers, who is unable to reſtrain himſelf; nor be an impartial judge with regard to others, who declines an impartial trial in his own caſe. Is it any wonder then that Pompey ſhould be allowed ſo far to ſurpaſs other generals, when his march through Aſia was conducted with ſuch order and diſcipline, that not only the hands, but the very footſteps of his numerous army, are ſaid to have been without the leaſt offence to the nations at peace with Rome? And as to the moderation at preſent obſerved by his troops in their winter-quarters, every day's letters and talk bear witneſs to it. For ſo far is any one from being compelled to contribute to the maintenance of his ſoldiers, that even ſuch as voluntarily offer are not permitted: In which we may behold the true ſpirit of our anceſtors, who conſidered the houſes of their friends and allies, not with an eye to the cravings of avarice, but as places of refuge againſt the ſeverity of winter.

SECT. XIV. But let us now conſider his temperance in other reſpects. To what think you are we to attribute the incredible celerity and diſpatch of his voyages? For ſure neither the extraordinary ſtrength of the rowers, nor the matchleſs art of the pilots, nor the indulgent breath of new winds, wafted him ſo ſwiftly to the ends of the earth. But thoſe indirect aims that are wont to create ſo many obſtacles to others, retarded not him in the proſecution of his deſign. No avaritious views diverted him into the purſuit of plunder, no criminal paſſion ſeduced him into pleaſure, the charms of a country provoked not his delight, the reputation of a city excited not his curioſity, nor could even labour itſelf ſoothe him into a deſire of repoſe. In fine, he laid it down to himſelf as a law, not ſo much as to viſit thoſe paintings, ſtatues, and other ornaments of the Greek cities, which the generals his predeceſſors thought they might carry off at pleaſure. Accordingly all the people in thoſe parts conſider Pompey, not as a general ſent from Rome, but as one deſcended from heaven: And they now at laſt begin to believe, that there were formerly among the Romans, men of this heroic moderation; a tradition, which foreign nations have of late regarded as fabulous, and contrived to impoſe upon poſterity. But now the luſtre of our empire has ſpread itſelf over theſe countries: now they begin to be ſenſible, that it was not without reaſon their anceſtors, while we had magiſtrates of ſuch diſtinguiſh-

luiſſe. Jam verò ita faciles aditus ad eum privatorum, ita liberæ querimoniæ de aliorum injuriis eſſe dicuntur; ut is qui dignitate principibus excellit, facilitate par infimis eſſe videatur. Jam quantum conſilio, quantum dicendi gravitate, & copiâ valeat, in quo ipſo ineſt quædam dignitas imperatoris, vos, Quirites, hoc ipſo in loco ſæpe cognoſtis. Fidem verò ejus inter ſocios quantam exiſtimari putatis, quam hoſtes omnium gentium ſanctiſſimam eſſe judicarint? Humanitate jam tanta eſt, ut difficile dictu ſit, utrum hoſtes magis virtutem ejus pugnantes timuerint, an manſuetudinem victi delexerint. Et quiſquam dubitabit, quin huic tantum bellum hoc tranſmittendum ſit, qui ad omnia veſtræ memoriæ bella conficienda, divino quodam conſilio natus eſſe videatur?

XV. Et, quoniam auctoritas multum in bellis quoque adminiſtrandis, atque imperio militari valet, certe nemini dubium eſt, quin ea in re idem ille Imperator plurimum poſſit; vehementer autem pertinere ad bella adminiſtranda, quid hoſtes, quid ſocii de Imperatoribus veſtris exiſtiment, quis ignorat? cùm ſciamus, homines in tantis rebus, ut aut contemnant, aut metuant, aut oderint, aut ament, opinione non minus famæ, quàm aliquâ certa ratione commoveri. Quod igitur nomen unquam in orbe terrarum clarius fuit? cujus res geſtæ pares? de quo homine vos, id quod maximè facit auctoritatem, (28.) tanta, & tam præclara judicia feciſtis? An vero ullam uſquam eſſe oram tam deſertam putatis, quo non illius diei fama pervaſerit, cùm univerſus populus Romanus, referto foro, repletiſque omnibus templis, ex quibus hic locus conſpici poteſt, unum ſibi ad commune omnium gentium bellum Cn. Pompeium Imperatorem depoposcit? Itaque, ut plura non dicam, neque aliorum exemplis confirmem, quantum hujus auctoritas valeat in bello, ab eodem Cn. Pompeio omnium rerum egregiarum exempla ſumantur: qui, quo die à vobis maritimo bello præpoſitus eſt Imperator, tanta repente vilitas annonæ ex ſumma inopia & caritate rei frumentariæ conſecuta eſt, unius hominis ſpe & nomine, quantam vix ex ſumma ubertate agrorum diuturna pax efficere potuiſſet. Jam vero acceptâ in Ponto calamitate ex eo prœlio, de quo vos paulo ante invitus admonui: cùm ſocii pertimuiſſent; hoſtium opes animique creviſſent; cùm ſatis firmum præſidium provincia

NOTES.

(28.) *Tanta et tam præclara judicia.*] The great expectations the Roman people had formed of Pompey, and their diſpoſition to favour and do him honour, appeared in their decreeing him a triumph while he was yet no more than a knight, in their ſending him when quæſtor with proconſular authority againſt Sertorius; and in their chuſing him conſul before he had borne any other magiſtracy.

(29.)

ed moderation, choſe rather to be ſubject to the Roman people, than to command over others. Beſides, he is ſo eaſy of acceſs to thoſe in a private ſtation, and ſo ready to liſten to the complaints of the injured, that though in dignity he ſurpaſſes the greateſt princes, in gentleneſs he appears on a level with the loweſt of the people. His prudence in counſel, his majeſtick and copious elocution, with that dignity of perſon which ſpeaks him born to command, have often been experienced by yourſelves, Romans, in this very place. What are we to think of his good faith towards his allies, when his very enemies of all nations own it to be without ſtain? Such too is his humanity, that it is hard to ſay, whether his foes more dread his valour in the field, or are charmed with his moderation after conqueſt. And ſhall it then admit of a doubt, whether the management of this important war ought to be committed to a man, who ſeems by divine appointment ſent into the world, to put an end to all the wars that harraſs the preſent age?

SECT. XV. And becauſe authority is of eminent influence, in the conduct of war, and the adminiſtration of military command; ſure no one can be ignorant, that this is a diſtinguiſhing part of our general's character. Every man will allow, that nothing is of greater conſequence in war, than the opinion which both friends and foes entertain of your generals; ſince it evidently appears, that in the greateſt affairs, where love, hatred, fear or contempt, are often of deciſive influence, men are no leſs apt to be ſwayed by the reports of fame, than by principles founded on reaſon. Where then was there ever a name upon earth, more renowned than his? Who has yet equalled him in great actions? And, to mention what properly conſtitutes authority, where is the man, of whoſe merit you have formed ſo high and advantageous a judgment? Do you imagine there is in the world a coaſt ſo unfrequented, as not to have been reached by the fame of that day, when the whole people of Rome crowding into the forum, and all the temples whence it could be ſeen, demanded Pompey alone to command in a war, which regarded the common intereſt of all nations? Therefore, to ſay no more, nor be obliged to ſtrengthen by examples taken from others, what I have affirmed of the prevalence of his authority in war: let me have recourſe to the ſame Pompey, for inſtances of whatever is illuſtrious and great. The day he was named to the command of the piratical war, from the greateſt dearth and ſcarcity of proviſions ever known, the very credit of his name ſunk their price ſo much, that they could ſcarce have been purchaſed lower in a year of peace and plenty. After the fatal loſs ſuſtained in Pontus, in the battle of which I a little before reminded you with reluctance; while our allies trembled; while our enemies grew in ſpi-

provincia non haberet; amisissetis Asiam, Quirites, nisi ad id ipsum temporis divinitùs Cn. Pompeium ad eas regiones fortuna populi Romani attulisset. Hujus adventus & Mithridatem insolitâ inflammatum victoriâ continuit, & Tigranem magnis copiis minitantem Asiæ retardavit. Et quisquam dubitabit quid virtute perfecturus sit, qui tantum auctoritate perfecerit? aut quam facile imperio atque exercitu socios & vectigalia conservaturus sit, qui ipso nomine ac rumore defenderit?

XVI. Age vero, illa res quantam declarat ejusdem hominis apud hostes populi Romani auctoritatem, quod ex locis tam longinquis, tamque diversis, tam brevi tempore omnes huic uni se dediderunt? quod Cretensium legati, cùm in eorum insula noster Imperator, exercitusque esset, ad Cn. Pompeium in ultimas prope terras venerunt, eique se omnes Cretensium civitates dedere velle dixerunt? Quid? idem ipse Mithridates, nonne ad eundem Cn. Pompeium legatum usque in Hispaniam misit? eumque Pompeius legatum semper judicavit: ii quibus semper erat molestum, ad eum potissimùm esse missum, speculatorem quàm legatum judicare maluerunt. Potestis igitur jam constituere, Quirites, hanc auctoritatem multis postea rebus gestis, magnisque vestris judiciis amplificatam, quantum apud illos Reges, quantum apud exteras nationes valituram esse existimetis. Reliquum est, ut de felicitate, quam præstare de seipso nemo potest, meminisse, & commemorare de altero possumus; sicut æquum est homini de potestate deorum, timide & pauca dicamus. Ego enim sic existimo; (29.) Maximo, Marcello, Scipioni, Mario, & cæteris magnis Imperatoribus, non solum propter virtutem, sed etiam propter fortunam, sæpius imperia mandata, atque exercitus esse commissos. Fuit enim profecto quibusdam summis viris quædam ad amplitudinem & gloriam, & ad res magnas bene gerendas divinitus adjuncta fortuna. De hujus autem hominis felicitate quo de nunc agimus, hac utar moderatione dicendi, non ut in illius potestate fortunam positam esse dicam, sed ut præterita meminisse, reliqua sperare videamur: ne aut invisa diis immortalibus oratio nostra, aut ingrata esse videatur. Itaque non sum prædicaturus, Quirites, quantas ille res domni militæque, terrâ marique, quantaque

NOTES.

(29.) *Maximo, Marcello, Scipioni, Mario.*] *Fabius Maximus* was dictator, and five times consul. He is the same, who, by his wise delays, so effectually disconcerted Hannibal. *Marcellus* was five times consul, defeated the Gauls, forced the Insubrians to submit to the republick, routed Hannibal's army at Nola, and took Syracuse by storm. *Scipio Africanus*, in his twenty-fourth year, was sent into Spain with proconsular authority. By his conquests in Africa he obliged Hannibal to quit Italy, and afterwards defeated him in a pitched battle, which put an end to the second Punic war. *Marius* vanquished Jugurtha king of Numidia, totally cut to pieces the Teutones and Cimbri, and was seven times raised to the consulship.

(30.)

fit and ſtrength; while the province was deſtitute of ſufficient protection; we muſt doubtleſs, Romans, have been diſpoſſeſſed of all Aſia, had not the fortune of Rome, in that perilous conjuncture, providentially brought Pompey into thoſe parts. His arrival ſtayed the triumph of Mithridates, exulting in the pride of victory; and put a ſtop to the march of Tigranes, who threatened to overrun Aſia with a formidable army. And is it a queſtion with any one, what he will effect by his courage, who effected ſo much by his authority? Or with what eaſe he will protect your allies and revenues with an army, whoſe very name and reputation ſecured them from inſult?

SECT. XVI. But what clearly ſhews his high reputation with the enemies of the people of Rome is, that however remote and diſtant, they nevertheleſs all in ſo ſhort a time ſubmitted to his authority. The Cretan ambaſſadors, though they had a Roman army and general in their iſland, came and ſought out Pompey in the extremities of the empire, and made an offer of ſurrendering all their cities into his hands. Did not Mithridates himſelf ſend an ambaſſador into Spain to Pompey, who always conſidered him as one really inveſted with that character? Though thoſe who took umbrage at the deputation's being addreſſed chiefly to him, choſe rather to regard him as a ſpy. From all theſe circumſtances, Romans, you may now form a judgment, how deciſive this authority, confirmed by ſo many great actions ſince, and rendered conſpicuous by your advantageous declarations in its favour, is like to prove with thoſe foreign princes and ſtates. It remains, that with all the caution and brevity befitting a man, who is to ſpeak of the effects of the divine bounty, I ſay ſomething of his good fortune; a bleſſing, which though no man can attach to his own perſon, yet every man may celebrate and record in another. And indeed I am inclined to believe, that offices of command, and the conduct of armies, were ſo often beſtowed upon Maximus, Marcellus, Scipio, Marius, and other great generals, not only on account of their valour, but from the opinion entertained of their good fortune. For certainly in the caſe of ſome eminent heroes, there appears a happy deſtiny derived from heaven, conducting them to the execution of all thoſe wonders, to which they owe their greatneſs and renown. But with regard to the man whoſe good fortune I now celebrate, I ſhall uſe ſuch moderation of ſpeech, as without making him abſolute maſter of events, will ſerve only to ſhew, that we have neither forgot his paſt, nor deſpair of his future ſucceſs. Thus ſhall my diſcourſe favour neither of impiety, nor ingratitude. I ſhall not therefore, Romans, expatiate here on his great actions at home and abroad, by ſea and land, with the unuſual ſucceſs that

que felicitate geſſerit: ut ejus ſemper voluntatibus non modo cives aſſenſerint, ſocii obtemperarint, hoſtes obedierint, ſed etiam venti, tempeſtateſque obſecundarint. Hoc breviſſime dicam, neminem unquam tam impudentem fuiſſe, qui à diis immortalibus tot & tantas res tacitus auderet optare, quot & quantas dii immortales ad Cn. Pompeium detulerunt. Quod ut illi proprium ac perpetuum ſit, Quirites, cùm communis ſalutis atque Imperii, tum ipſius hominis cauſâ, ſicuti facitis, velle & optare debetis. Quare cum & bellum ita neceſſarium ſit ut negligi non poſſit; ita magnum, ut accuratiſſime ſit adminiſtrandum: & cum ei Imperatorem præficere poſſitis, in quo ſit eximia belli ſcientia, ſingularis virtus, clariſſima auctoritas, egregia fortuna; dubitabitis, Quirites, quin hoc tantum boni, quod vobis à diis immortalibus oblatum & datum eſt, in rempublicam conſervandum atque amplificandum conferatis?

XVII. Quod ſi Romæ Cn. Pompeius privatus eſſet hoc tempore? tamen ad tantum bellum is erat diligendus, atque mittendus; nunc cum ad cæteras ſummas utilitates hæc quoque opportunitas adjungatur, ut in iis ipſis locis adſit, ut habeat exercitum, ut ab iis, qui habent, accipere ſtatim poſſit: quid exſpectamus? aut cur non, ducibus diis immortalibus, eidem cui cætera ſumma cum ſalute reipublicæ commiſſa ſunt, hoc quoque bellum Regium committimus? At enim vir clariſſimus, amantiſſimus reipublicæ, veſtris beneficiis ampliſſimis affectus, Q. Catulus; itemque ſummis ornamentis honoris, fortunæ, virtutis, ingenii præditus, Q. Hortenſius, ab hac ratione diſſentiunt: quorum ego auctoritatem apud vos multis locis plurimum valuiſſe, & valere oportere confiteor: ſed in hac cauſa, tametſi cognoſcitis auctoritates contrarias fortiſſimorum virorum & clariſſimorum; tamen omiſſis auctoritatibus, ipſa re & ratione exquirere poſſumus veritatem: atque hoc facilius, quod ea omnia, quæ adhuc à me dicta ſunt, iidem iſti vera eſſe concedunt, & neceſſarium bellum eſſe, & magnum, & in uno Cn. Pompeio ſumma eſſe omnia. Quid igitur ait Hortenſius? ſi uni omnia tribuenda ſunt, unum digniſſimum eſſe Pompeium: (30.) ſed ad unum tamen omnia deferri non oportere. Obſolevit jam iſta oratio, re multo magis,

NOTES.

(30.) *Sed ad unum tamen omnia deferri non oportere.*] If we credit the relation of Plutarch, Manilius's Law imported, that the whole province under the command of Lucullus, together with Bithynia, which had fallen to Glabrio's lot, ſhould be transferred to Pompey: That he ſhould have the ſole management of the war againſt Mithridates and Tigranes: And that the fleet and naval force he had commanded againſt the pirates, with Phrygia, Lycaonia, Galatia, Cappadocia, Cilicia, the higher Colchis, Armenia, and the army under Lucullus, ſhould likewiſe be added to his commiſſion.

(31.)

has attended them: A ſucceſs ſo great, that not only did his countrymen always concur with, his allies perform, and his enemies ſubmit to whatever he deſired; but even the winds and waves ſeem to have been obſequious to his will. Suffice it in few words to ſay, that no man was ever yet ſo preſumptuous, as even ſilently to conceive a wiſh, that the immortal gods would crown him with ſo many and diſtinguiſhed proofs of their favour, as they have beſtowed upon Pompey. That theſe, O Romans, may ever adhere to and be inſeparably from his perſon, you ought to pray and wiſh, as I am confident you do, as well on account of the publick proſperity, as out of real regard to the man. As, therefore, this war is ſo neceſſary, that it cannot be avoided; ſo important, that it muſt be managed with the utmoſt addreſs: And as you may now commit it into the hands of a general, who, to the moſt conſummate knowledge in the art of war, joins eminent courage, an illuſtrious reputation, and unparallelled ſucceſs: Will ye heſitate, Romans, to employ ſo favourable an opportunity, preſented and put into your hands by the immortal gods, for the preſervation and enlargement of your empire?

SECT. XVII. Were Pompey at this time at Rome, in the ſtation of a private citizen, he is yet the only perſon fit to be choſen for the management of ſo great a war. But now, when with other urgent advantages, this powerful motive likewiſe concurs; that he is already upon the ſpot; that he is at the head of an army, that he can immediately join it to the forces now in thoſe parts; what wait we for? Or why do we not, when the gods ſo clearly diſcover their pleaſure, intruſt likewiſe this royal war to the care of the man, who has already terminated ſo many others with the higheſt advantage to the ſtate? But Q. Catulus, a man of an illuſtrious character, a great lover of his country, and diſtinguiſhed by the moſt eminent proofs of your regard; and Q. Hortenſius, conſpicuous by all the advantages of honour, fortune, virtue, and genius, differ from my opinion. Theſe, I own, are men, whoſe ſentiments have always had great weight with you, and doubtleſs very deſervedly: but on this occaſion, though ſome of the beſt and braveſt men in Rome be againſt me, yet ſetting authority aſide, I think we may come at the truth by reaſon and enquiry; the rather, becauſe my very adverſaries agree to all I have advanced, that this war is neceſſary, and important; and that all the great qualities requiſite for conducting it are to be found in Pompey. What then is the argument of Hortenſius? If all important affairs are to paſs through the hands of one man, Pompey is doubtleſs the moſt deſerving: but it were dangerous to truſt ſo much power with one perſon. This poſition, refuted rather by facts than by reaſoning,

magis, quam verbis refututa. Nam tu idem, Q. Hortenſi, multa pro tua ſumma copia ac ſingulari facultate dicendi, & in ſenatu (31.) contra virum fortem A. Gabinium graviter ornateque dixiſti, cum is de uno imperatore contra prædones conſtituendo legem promulgaſſet: & ex hoc ipſo loco permulta idem contra legem verba feciſti. Quid? tum, per deos immortaleis, ſi plus apud populum Romanum auctoritas tua, quam ipſius populi Romani ſalus, & vera cauſa valuiſſet, hodie hanc gloriam, atque hoc orbis terræ imperium teneremus? an tibi tum imperium eſſe hoc videbatur, cum populi Romani legati, Prætores, Quæſtoreſque capiebantur? cum ex omnibus provinciis commeatu, & privato & publico prohibebamur? cum ita clauſa erant nobis omnia maria, ut neque privatam rem tranſmarinam, neque publicam jam obire poſſemus?

XVIII. Quæ civitas antea unquam fuit, non dico Athenienſium, quæ ſatis late quondam mare tenuiſſe dicitur: non Carthaginienſium, qui permultum claſſe, maritimiſque rebus valuerunt: non Rhodiorum, quorum uſque ad noſtram memoriam diſciplina navalis, & gloria remanſit: quæ civitas antea unquam tam tenuis, quæ tam parva inſula fuit, quæ non portus ſuos & agros, & aliquam partem regionis, atque oræ maritimæ per ſe ipſa defenderet? At, hercle, aliquot annos continuos ante legem Gabiniam ille populus Roman, cujus uſque ad noſtram memoriam nomen invictum in navalibus pugnis permanſerat, magna & multo maxima parte non modo utilitatis, ſed dignitatis atque imperii caruit. Nos quorum majores Antiochum regem claſſe, Perſenque ſuperarunt, omnibuſque navalibus pugnis Carthaginienſes, homines in maritimis rebus exercitatiſſimos paratiſſimoſque vicerunt, ii nullo in loco jam prædonibus pares eſſe poteramus. Nos quoque, qui antea non modo Italiam tutam habebamus, ſed omneis ſocios in ultimis oris auctoritate noſtri imperii ſalvos præſtare poteramus, tum, cùm inſula Delos tam procul à nobis in Ægeo mari poſita, quo omnes undique cum mercibus atque oneribus commeabant, referta divitiis, parva, ſine muro nihil timebat: iidem non modo provinciis, atque oris Italiæ maritimis, ac portubus noſtris, ſed etiam (32.) Appia jam via carebamus;

NOTES.

(31.) *Contra virum fortem A. Gabinium.*] When Gabinius the tribune of the people preferred a law, conferring the management of the war againſt the pirates on Pompey; L. Trebellius, one of his collegues, interpoſed his negative, and aſſured the ſenate he would ſooner die than ſuffer it to paſs. As he ſtill perſiſted in this reſolution, Gabinius threatened to depoſe him by a vote of the tribes. Trebellius upon this abſented himſelf, but could not be prevailed on to withdraw his negative, till he underſtood that ſeventeen tribes had voted againſt him, and that the whole people were of the ſame mind. The oppoſition ceaſing, Gabinius's law paſſed, and Pompey was inveſted with the command of the piratical war. Cicero here beſtows upon Gabinius the epithet of *fortis*, becauſe of the courage he manifeſted in puſhing his law, notwithſtanding the oppoſition of the ſenate and his collegue.

(32.)

ing, is now become quite ſtale. For you, Q. Hortenſius, with that maſterly and commanding eloquence which is peculiar to you, ſpoke fully and forcibly againſt Aulus Gabinius, a brave tribune; both in the ſenate, when his law for putting the war againſt the pirates into the hands of one general was brought before that aſſembly; and from this place, when it was propoſed to the conſideration of the people. But tell me, in the name of all the gods! if your authority had availed more with the Roman people, than the conſideration of their own ſafety and true intereſt, ſhould we at this day have been in poſſeſſion of ſo much glory, or really enjoyed the ſovereignty of the univerſe? For could we then be deemed to poſſeſs this ſovereignty, when the ambaſſadors, prætors, and quæſtors of the Roman people, were liable to an ignominious captivity? When we were deprived of all communication, either publick or private, with our provinces? When navigation was ſo totally at a ſtand, that we could tranſact no buſineſs beyond ſea, whether it regarded the intereſt of the whole ſtate, or the properties of particular perſons?

SECT. XVIII. For was there ever a ſtate, I ſpeak not of the Athenians, who are ſaid to have been once very powerful at ſea; nor of the Carthaginians, renowned for their fleets and naval ſtrength; nor of the Rhodians, the glory of whoſe maritime expeditions has reached even our days: But was there, I ſay, ever a ſtate ſo inconſiderable, an iſland ſo ſmall, that could not of herſelf defend her own ports and territory, with ſome part at leaſt of the maritime coaſt and region? And yet, for a continued train of years before the Gabinian law, the very people of Rome, whoſe reputation in ſea affairs has remained even to our days without ſtain, were not only diveſted of far the greateſt part of their traffick, but even wounded in their dignity and naval dominion. We, whoſe anceſtors vanquiſhed king Antiochus and Perſeus at ſea, and came off victorious in all naval engagements with the Carthaginians, a nation thoroughly expert and practiſed in maritime affairs: We, I ſay, were then no where a match for a band of pirates. We too, who heretofore not only guarded Italy from inſults, but by the very reputation of our ſtrength, ſecured the quiet of our allies in all parts, however remote; inſomuch that the iſland of Delos, diſtant from Rome ſo far as the Aegean ſea, the mart of all nations, abounding in wealth, ſmall in circumference, unprotected by walls, had yet nothing to fear: Even we theſe very Romans, were then not only excluded from our provinces, the maritime parts of Italy, and

NOTES.

(32.) *Appia via,*] The Appian way was ſo called from Appius Claudius the cenſor, by whom it was made. It reached at firſt from Rome to Capua, beginning at the *Porta*

rebamus: & his temporibus non pudebat magiſtratus populi Romani, in hunc ipſum locum aſcendere, cum eum vobis majores veſtri exuviis nauticis, & claſſium ſpoliis ornatum reliquiſſent.

XIX. Bono te animo tum, Q. Hortenſi, populus Romanus, & cæteros, qui erant in eadem ſententia, dicere exiſtimavit ea, quæ ſentiebatis: ſed tamen in ſalute communi idem populus Romanus dolori ſuo maluit, quam auctoritati veſtræ obtemperare. Itaque una lex, unus vir, unus annus, non modo nos illa miſeria, ac turpitudine liberavit; ſed etiam effecit ut aliquando vere videremur omnibus gentibus ac nationibus terrâ marique imperare. Quo mihi etiam indignius videtur obtrectatum eſſe adhuc, Gabinio dicam, an-ne Pompeio, an utrique (id quod eſt verius) ne legaretur A. Gabinius Cn. Pompeio expetenti ac poſtulanti? Utrum ille qui poſtulat legatum ad tantum bellum, quem velit, idoneus non eſt qui impetret, cum cæteri ad expilandos ſocios, diripiendaſque provincias, quos voluerunt legatos eduxerint? an ipſe, cujus lege ſalus ac dignitas populo Romano atque omnibus gentibus conſtituta eſt, expers eſſe debet gloriæ ejus Imperatoris, atque ejus exercitûs, qui conſilio ipſius atque periculo eſt conſtitutus? an Cn. Falcidius, Q. Metellus, Q. Cœlius Latinienſis, Cn. Lentulus, quos omneis honoris cauſâ nomino cum Tribuni-pleb. fuiſſent, anno proximo legati eſſe potuerunt? in hoc uno Gabinio ſunt tam diligentes, qui in hoc bello, quod lege Gabiniâ geritur, in hoc Imperatore, atque exercitu, quem per vos ipſe conſtituit, etiam præcipuo jure eſſe deberet? de quo legando ſpero Conſules ad Senatum relaturos: qui ſi dubitabunt, aut gravabuntur, ego me profiteor relaturum: neque me impediet cujuſquam, Quirites, inimicum edictum, quo minus, fretus vobis, veſtrum jus beneficiumque defendam: neque præter interceſſionem, quidquam audiam: de qua (ut arbitror) iſti ipſi qui minantur, etiam atque etiam quî id liceat conſiderabunt. Mea quidem ſententia, Quirites, unus A. Gabinius belli maritimi rerumque geſtarum auctor, comes Cn. Pompeio adſcribitur, propterea quod alter uni id bellum ſuſcipiendum veſtris ſuffragiis detulit; alter delatum, ſuſceptumque confecit.

XX.

NOTES.

Porta Capena, as we learn from Frontinus; and was afterwards carried on as far as Bruntuſium. Cicero ſays here, that the Roman people were deprived of it, becauſe that part of it which was next the ſea, was infeſted by the pirates.

and our harbours on the ſea-coaſt, but durſt not ſo much as appear on the Appian way. And yet at that very time, the magiſtrates of the Roman people were not aſhamed to mount this tribunal, adorned by their anceſtors with naval ſpoils, and the beaks of ſhips taken from the enemy.

SECT. XIX. The people of Rome were ſenſible, Q. Hortenſius, that when you, and ſuch as were in your way of thinking, delivered your ſentiments upon the law then propoſed, you did it with an honeſt intention. And yet, in an affair that regarded the common ſafety, they were more ſwayed by a ſenſe of their own ſufferings, than a reſpect for your authority. Therefore one law, one man, one year, not only delivered us from that ſtate of wretchedneſs and infamy, but effectually proved to all nations and people, that we were at length become the real lords of the earth and ſea. On this account I cannot forbear expreſſing a greater indignation at the affront offered to Gabinius, ſhall I ſay, or Pompey, or, as was really the caſe, to both, in refuſing to let Pompey have Gabinius for his lieutenant-general, though he earneſtly ſought and deſired it? Ought the general who demanded an agreeable lieutenant to aſſiſt him in ſo great a war, to have been refuſed; when other commanders, who marched out to plunder the provinces, and pillage our allies, carried with them what lieutenant-generals they pleaſed? Or ought the man who propoſed a law tending to ſecure the honour and ſafety of Rome and all nations, to have been excluded from ſharing the glory of that general and army, whoſe deſtination was the fruit of his counſels, and effected at his perſonal peril? Could C. Falcidius, Q. Metellus, Q. Cælius Latinienſis, Cn. Lentulus; all whom I mention with reſpect, be one year tribunes of the people, and the next appointed lieutenant-generals: And ſhall ſuch a vigorous oppoſition be formed againſt Gabinius alone, who in a war carried on in conſequence of his law, and by an army and general of his appointment, ought doubtleſs to have the preference to all others? But I hope the conſuls will bring the affair before the ſenate; or if they ſhall decline it, or raiſe any difficulties, I here declare that I myſelf will undertake the buſineſs; nor ſhall the contradictory decrees of any man, Romans, deter me, under your protection, from aſſerting your juſt rights and privileges; nor ſhall I regard any thing but the interpoſition of the tribunes, which I hope will not without repeated conſideration be exerted upon this occaſion, even by thoſe who threaten us with it. And truly in my opinion, Romans, Aulus Gabinius, the author of the maritime war, and all that was then done, is the only perſon proper to act as an aſſiſtant to Pompey; becauſe the one, by your ſuffrages, devolved that war upon the other; and he on whom it was devolved, undertook and brought it to a period. SECT.

XX. Reliquum eſt, ut de Q. Catuli auctoritate & ſententia dicendum eſſe videatur: qui cum ex vobis quæreret, ſi in uno Cn. Pompeio omnia poneretis, ſi quid de eo factum eſſet, in quo ſpem eſſetis habituri: cepit magnum ſuæ virtutis fructum, ac dignitatis, cum omnes prope una voce in eo ipſo vos ſpem habituros eſſe, dixiſtis. Etenim talis eſt vir, ut nulla res tanta ſit, ac tam difficilis, quam ille non & conſilio regere, & integritate tueri, & virtute conficere poſſit; ſed in hoc ipſo ab eo vehementiſſime diſſentio, quod, quo minus certa eſt hominum ac minus diuturna vita, hoc magis reſpub. dum per deos immortaleis licet, frui debet ſummi hominis vitâ atque virtute. At enim nihil novi fiat contra exempla, atque inſtituta Majorum. Non dico hoc loco, Majores noſtros ſemper in pace conſuetudini, in bello utilitati paruiſſe, ſemper ad novos caſus temporum, novorum conſiliorum rationes accommodaſſe: non dicam duo bella maxima, (33.) Punicum, & Hiſpanienſe, ab uno Imperatore eſſe confecta: duas urbes potentiſſimas, quæ huic imperio maximè minabantur, Carthaginem atque Numantiam, ab eodem Scipione eſſe deletas: non commemorabo, nuper ita vobis, patribuſque veſtris eſſe viſum, ut in uno C. Mario ſpes imperii poneretur: (34.) ut idem cum Jugurtha, idem cum Cimbris, idem cum Theutonis bellum adminiſtraret; in ipſo Cn. Pompeio, in quo novi conſtitui nihil vult Q. Catulus, quàm multa ſint nova ſumma Q. Catuli voluntate conſtituta, recordamini.

XXI. Quid enim tam novum, quàm adoleſcentulum privatum, exercitum difficili reipublicæ tempore conficere? confecit: huic præeſſe? præfuit: rem optimè ductu ſuo gerere? geſſit. Quid tam præter conſuetudinem, quàm homini peradoleſcenti, cujus à Senatorio gradu ætas longe abeſſet, imperium atque exercitum dari? Siciliam permitti,

NOTES.

(33.) *Punicum et Hiſpanienſe, ab uno Imperatore eſſe confecta.*] This may be applied either to the elder or the younger Scipio. The firſt, after having compleated the reduction of Spain, paſſed over into Africa, where having vanquiſhed Hannibal, he put an end to the ſecond Punic war. The latter, known moſt commonly by the name of Scipio Aemilianus, when he was ſuing for the ædileſhip, and had not yet reached the conſular age by ten years, was nevertheleſs elected conſul, contrary to the uſual forms, and ſent into Africa, where he took and demoliſhed Carthage. Afterwards, the Roman armies having been ſeveral times ſhamefully defeated before Numantia, inſomuch that there appeared little hope of reducing the place; the people caſt their eyes upon Scipio, as the only general capable of repairing the diſgrace the commonwealth had ſuſtained. Accordingly he marched againſt it, and after an obſtinate defence laid it entirely in ruins.

(34.) *Ut idem cum Jugurtha, cum Cimbris, cum Theutonis.*] It was in the war againſt Jugurtha that Marius firſt ſignalized himſelf, and by his ſucceſs ſo gained the confidence of the Roman people, that they conſidered him as their ſureſt refuge in time of danger. Accordingly when the Cimbri had in ſeveral battles defeated the armies of the republick, Marius was pitched upon as the only perſon capable to defend the ſtate in that extremity. He marched againſt them, and overcame them

SECT. XX. It now remains that I ſpeak to the opinion and judgment of Q. Catulus, who having put the queſtion, that if in all emergencies you placed your hopes on Pompey alone, to whom could you have recourſe in caſe of any diſaſter befalling him? reaped the genuine fruit of his own virtue and dignity, when with unanimous voice you called out, that in ſuch an event, he himſelf was the man on whom you would reſt your hopes. And indeed he is a man of ſuch a character, that no undertaking is ſo great or difficult, which he cannot direct by his counſels, ſupport by his integrity, and terminate by his valour. But in the point now before us, I entirely differ from him; becauſe the more uncertain, and the ſhorter human life is, the more it behoves the commonwealth, while the gods indulge that favour, to avail herſelf of the virtues and talents of a great man. But it is dangerous to allow of innovations contrary to the cuſtoms and precedents of former ages. I ſhall not obſerve here, that our anceſtors in peace always adhered to cuſtom, but during war yielded to neceſſity: That they were every ready to change their meaſures as new emergencies required an alteration of counſels: Neither ſhall I take notice, that two very important wars, the Carthaginian and the Spaniſh, were finiſhed by one general: That two very powerful cities, Carthage and Numantia, which threatned to check the growth of our empire, were both deſtroyed by the ſame Scipio: I ſhall not mention the late example of C. Marius, upon whom you and your fathers thought it proper to reſt your whole hopes of empire, and commit to his ſole management the wars with Jugurtha, with the Teutones, and with the Cimbri. I ſhall only deſire you to call to mind, how many things contrary to cuſtom paſſed in the caſe of this very Pompey, with the hearty concurrence of Catulus, who now ſo ſtrenuouſly oppoſes the granting him any new powers.

SECT. XXI. For what could be more contrary to cuſtom, than for a young man, without any publick character, at a juncture dangerous to his country, to levy an army? He did levy one. To command it in perſon? He did command it. To conduct it with ability and ſucceſs? He did with both. What could be more unprecedented, than to commit the charge of an army and province to a mere youth, whoſe age fell far ſhort of that uſually required in a ſenator? To entruſt him with the government of Sicily and Afric, and

NOTES.

them in two battles, in which he ſlew two hundred thouſand of them, and took ninety thouſand priſoners. Such as eſcaped the ſlaughter joined themſelves to the Teutones; but Marius proving no leſs ſucceſsful againſt them, killed forty thouſand, and made above ſixty thouſand priſoners.

permitti, atque Africam, bellumque in ea adminiſtrandum? Fuit in his provinciis ſingulari innocentiâ gravitate, virtute: bellum in Africa maximum confecit, victorem exercitum deportavit. Quid verò tam inauditum, quàm equitem Rom. triumphare? at eam quoque rem populus Romanus non modò vidit, ſed etiam ſtudio omni viſendam putavit. Quid tam inuſitatum quàm ut, cùm duo Conſules clariſſimi fortiſſimique eſſent, Eques Rom. ad bellum maximum, formidoloſiſſimumque pro Conſule mitteretur? miſſus eſt. Quo quidem tempore, cùm eſſet non nemo in Senatu, qui diceret. Non oportere mitti hominem privatum pro Conſule; L. Philippus dixiſſe dicitur, Non ſe illum ſua ſententia pro Conſule, ſed (35.) pro Conſulibus mittere. Tanta in eo reipublicæ bene gerendæ ſpes conſtituebatur, ut duorum Conſulum munus unius adoleſcentis virtuti committeretur. Quid tam ſingulare quàm ut ex Senatuſconſulto legibus ſolutus, Conſul ante fieret, quàm ullum alium Magiſtratum per leges capere licuiſſet? (36.) quid tam incredibile, quàm ut iterum Eques Rom. ex s.c. triumpharet? quæ in omnibus hominibus nova poſt hominum memoriam conſtituta ſunt, ea tam multa non ſunt, quàm hæc quæ in hoc uno homine vidimus. Atque hæc tot exempla, tanta ac tam nova, profecta ſunt in eundem hominem à Q. Catulo, atque à cæterorum ejuſdem dignitatis ampliſſimorum hominum auctoritate.

XXII. Quare videant, ne ſit periniquum, & non ferendum, illorum auctoritatem de Cn. Pompeii dignitate à vobis comprobatam ſemper eſſe: veſtrum ab illis de eodem homine judicium, populique Rom. auctoritatem improbari: præſertim cùm jam ſuo jure populus Romanus in hoc homine ſuam auctoritatem vel contra omneis

NOTES.

(35.) *Pro conſulibus mittere.*] The two conſuls at that time were Lepidus and Catulus, men of conſiderable reputation both in politicks and war. It could not therefore but redound much to the honour of Pompey, that in the opinion of ſo wiſe and able a ſenator as L. Philippus, he was to be entruſted preferably to two ſuch conſuls, with the conduct of a dangerous and difficult war.

(36.) *Quid tam incredible, quam ut iterum eques Romanus ex ſenatus-conſulto triumpharet?*] Pompey, as we learn from this oration of Cicero, was honoured with two triumphs, while he was no more than a Roman knight. In ſpeaking of the firſt, he makes no mention of the ſenate; and only ſays of the people, that they expreſſed their joy by acclamations, and an univerſal concourſe. For Sylla, as dictator, taking upon himſelf the management of all affairs both publick and private, granted Pompey, whom he had ſent with a command into Sicily, the honour of a triumph, without conſulting the ſenate, or receiving any addreſs from the pople. The ſecond triumph is ſaid to have been in conſequence of a decree of the ſenate, the people no way interpoſing in the affair. The reaſon of this is, that Sylla having aboliſhed the tribunitial power, the adminiſtration of the commonwealth was wholly in the hands of the ſenate; inſomuch that the people had no part, either in making laws, or granting triumphs. We may

and the conduct of the war in thoſe parts? He behaved notwithſtanding with ſingular integrity, wiſdom, and courage, terminated the war in Africa with ſucceſs; and brought home his army victorious. Was there ever an inſtance of a Roman knight honoured with a triumph? yet this ſight the people of Rome not only beheld, but conſidered as of all others the moſt deſirable, and worthy their regard. Was it ever known, when we had two conſuls of diſtinguiſhed valour and renown, that a Roman knight ſhould be ſent in place of one of them, to command in a great and formidable war? Yet he was ſent; and when ſome at that time objected in the ſenate, that a private man ought not to be ſent in place of a conſul; L. Philippus is reported to have ſaid, that it was his opinion he ſhould be ſent, not in place of one, but of both the conſuls. So well were all men perſuaded of his capacity for the adminiſtration of publick affairs, that though but a youth, he was entruſted with the functions of two conſuls. What could be more extraordinary, than that the ſenate ſhould for his ſake diſpenſe with the laws, and ſuffer him to be choſen conſul, before he was of an age to exerciſe the loweſt magiſtracy? What could be more incredible, than that while only a Roman knight, he ſhould be a ſecond time permitted to triumph by a decree of the ſenate? All the novelties that have happened among men, ſince the firſt memory of time, fall ſhort of thoſe that meet in the perſon of Pompey alone. And what is ſtill more, all theſe numerous honours, new and extraordinary as they are, were conferred upon him by the advice of Q. Catulus, and other illuſtrious perſons of the ſame dignity.

SECT. XXII. It behoves them therefore to conſider, whether it may not ſeem unjuſt and preſumptuous, if after having been ſo warmly ſeconded by you in the deſign of promoting and honouring Pompey, they ſhould now oppoſe your judgment, and the authority of the Roman people, in favour of the ſame perſon: eſpecially as you are armed with ſufficient power to ſupport your choice againſt all oppoſition; having already, in ſpite of their endeavours to

NOTES.

may obſerve further, that in conſequence of this abolition of the power of the tribunes, Cicero ſays a little higher, that the ſenate, not the people, diſpenſed with the laws in favour of Pompey, and permitted him to ſue for the conſulſhip, before he was qualified to hold any other magiſtracy. For by the Villian law, no man could be conſul, till he had arrived at the forty-ſecond year of his age. And the Cornelian laws excluded from this office all who had not been quæſtors and prætors. Now Pompey, tho' in his thirty-fifth year, had enjoyed neither of theſe dignities. This explains what the orator ſays, that he was permitted to ſue for the conſulſhip, before he was qualified for holding any other magiſtracy. For there was a law ſubſiſting, made, or as ſome think

neis qui diſſentiunt, poſſit defendere: propterea quod iſtis reclamantibus, vos unum illum ex omnibus delegiſtis, quem bello prædonum præponeretis. Hoc ſi vos temere feciſtis, & reipublicæ parum conſuluiſtis; rectè iſti ſtudia veſtra ſuis conſiliis regere conantur; ſin autem vos plus tum in republica vidiſtis, vos, his repugnantibus, per voſmetipſos dignitatem huic imperio, ſalutem orbi terrarum attuliſtis: aliquando iſti principes, & ſibi, & cæteris, populi Romani univerſi auctoritati parendum eſſe fateantur. Atque in hoc bello Aſiatico, & Regio, non ſolùm militaris illa virtus, quæ eſt in Cn. Pompeio ſingularis, ſed aliæ quoque virtutes animi multæ & magnæ requiruntur. Difficile eſt in Aſia, Cilicia, Syria, regniſque interiorum nationum ita verſari veſtrum Imperatorem, ut nihil aliud quàm de hoſte ac de laude cogitet: deinde etiam ſi qui ſunt pudore ac temperantiâ moderatiores, tamen eos eſſe taleis propter multitudinem cupidorum hominum nemo arbitratur. Difficile eſt dictu, Quirites, quanto in odio ſimus apud exteras nationes propter eorum quos ad eas per hos annos cum imperio miſimus, injurias ac libidines. Quod enim fanum putatis in illis terris noſtris Magiſtratibus religioſum, quam civitatem ſanctam, quam domum ſatis clauſam ac munitam fuiſſe? urbes jam locupletes ac copioſæ requiruntur, quibus cauſa belli propter diripiendi cupiditatem inferatur. Libenter hæc coràm cum Q. Catulo & Hortenſio diſputarem, ſummis & clariſſimis viris; noverunt enim ſociorum vulnera, vident eorum calamitates, querimonias audiunt. Pro ſociis vos contra hoſtes exercitum mittere putatis, an hoſtium ſimulatione contra ſocios atque amicos? quæ civitas eſt in Aſia, quæ non modò unius Imperatoris, aut Legati, ſed unius Tribuni militum animos ac ſpiritus capere poſſit?

XXIII. Quare, etiamſi quem habetis, qui collatis ſignis, exercitus Regios ſuperare poſſe videatur; tamen niſi erit idem, qui ſe à pecuniis ſociorum, qui ab eorum conjugibus ac liberis, qui ab auro gazaque regia manus, oculos, animum cohibere poſſit, non erit idoneus qui ad bellum Aſiaticum Regiumque mittatur. Ecquam putatis civitatem pacatam fuiſſe, quæ locuples ſit? ecquam eſſe locupletem, quæ iſtis pacata eſſe videatur? Ora maritima, Quirites, Cn. Pompeium non ſolùm propter rei militaris gloriam, ſed etiam propter

NOTES.

only revived by Sylla, declaring all thoſe incapable of ſtanding candidate for any other magiſtracy, who had not firſt diſcharged the office of quæſtor. Now Pompey had never been quæſtor, and for that reaſon was only in the order of knights, not of ſenators: For by a law of Sylla the dictator, the queſtorſhip was the firſt dignity that entitled to a place in the ſenate.

to prevent it, ſingled out this man from amongſt all your other generals, to command in the war with the pirates. If you did this raſhly, and without due regard to the intereſts of your country, they have reaſon to interpoſe their authority, and endeavour to rectify your deliberations. But if you formed a truer judgment of what was advantageous to the ſtate; if, though oppoſed by them, you took the juſteſt meaſures for ſecuring the dignity of the empire, and the repoſe of the univerſe; let theſe rulers of the ſenate at length acknowledge, that both they and others ought to ſubmit to the authority of the whole body of the Roman people. But in this Aſiatic war againſt two powerful kings, there is not only occaſion for thoſe military talents ſo conſpicuous in Pompey, but for many other great and eminent virtues. It is difficult in Aſia, Cilicia, Syria, and other nations ſo remote from Rome, for a general to behave in ſuch a manner, as that he ſhall think of nothing but war and conqueſt. And even where modeſty and temperance hold ſome under reſtraint, yet nobody believes it, ſo great is the number of the greedy and rapacious. It is indeed impoſſible to expreſs, Romans, how odious we are become among foreign nations, on account of the iniquities and oppreſſions of thoſe, whom of late years we have ſent to govern them. What temple in theſe lands have our magiſtrates left unprofaned? What city have they held ſacred? What houſe has been free from their violations? Pretences are ſought to attack every wealthy and opulent place, whoſe plunder promiſes to gratify the avarice of our commanders. Willingly would I debate theſe matters with Q. Catulus, and Q. Hortenſius, men of eminent worth and dignity: For they are acquainted with the ſufferings of our allies, ſee their diſtreſſes, and hear their complaints. Is it againſt the enemies of Rome, and in defence of your allies, that you ſend an army; or are you minded under this pretence to attack your friends and confederates? Where is the ſtate in all Aſia, that can ſet bounds to the ambition and avarice, I will not ſay of a general, or his lieutenant, but of a ſingle tribune of the army?

SECT. XXIII. Suppoſing therefore you ſhould have a general, who may appear capable of defeating the forces of theſe two powerful kings in a pitched battle: yet unleſs he is alſo one, that can refrain his hands, eyes and thoughts, from the riches of our allies, from their wives and children, from the ornaments of their cities and temples, and from the gold and treaſures of their palaces, he is by no means fit to command in an Aſiatic and a regal war. Is any ſtate ſuffered to enjoy tranquillity, that is known to be rich? Or was ever any ſtate rich, which your generals permitted to remain in tranquillity? The ſea-coaſt, O Romans, demanded Pompey,

ter animi continentiam requiſivit; videbat enim populus Romanus non locupletari quotannis pecunia publica, præter paucos: neque eos quidquam aliud aſſequi claſſium nomine, niſi ut detrimentis accipiendis majore affici turpitudine videremur. Nunc quâ cupiditate homines in provincias, quibus jacturis, quibus conditionibus proficiſcantur, ignorant videlicet iſti qui ad unum deferenda eſſe omnia non arbitrantur, quaſi verò Cn. Pompeium non cùm ſuis virtutibus, tum etiam alienis vitiis magnum eſſe videamus. Quare nolite dubitare quin huic uni credatis omnia, qui inter annos tot unus inventus ſit, quem ſocii in urbeis ſuas cum exercitu veniſſe gaudeant. Quod ſi auctoritatibus hanc cauſam, Quirites, confirmandam putatis, eſt vobis auctor, vir, (37.) bellorum omnium maximarumque rerum peritiſſimus P. Servilius: cujus tantæ res geſtæ terrâ marique exſtiterunt, ut, cùm de bello deliberetis, auctor vobis gravior eſſe nemo debeat: eſt C. Curio ſummis veſtriis beneficiis, maximiſque rebus geſtis, ſummo ingenio & prudentiâ præditus: eſt Cn. Lentulus, in quo omnes, pro ampliſſimis veſtris honoribus, ſummum conſilium, ſummam gravitatem eſſe cognoſcitis: eſt C. Caſſius integritate, virtute, conſtantia ſingulari. Quare videte, ut horum auctoritatibus, illorum orationi qui diſſentiunt, reſpondere poſſe videamur.

XXIV. Quæ cum ita ſint, C. Manili, primùm (38.) iſtam tuam & legem, & voluntatem, & ſententiam laudo, vehementiſſimeque comprobo: deinde te hortor ut auctore populo Romano maneas in ſententia, neve cujuſquam vim, aut minas pertimeſcas. Primùm in te ſatis eſſe animi, conſtantiæque arbitror: deinde cum tantam multitudinem cum tanto ſtudio adeſſe videamus, quantam non iterum in eodem homine præficiendo vidimus; quid eſt, quod aut de re, aut de perficiendi facultate dubitemus? Ego autem, quidquid in me eſt ſtudii, conſilii, laboris, ingenii, quidquid hoc beneficio populi Romani, atque hac poteſtate prætoria, quidquid auctoritate, fide conſtantia poſſum, id omne ad hanc rem conficiendam tibi & populo Romano polliceor & defero; teſtorque omnes deos, & eos maxime, qui huic loco, temploque præſident, qui omnium

NOTES.

(37.) *Bellorum omnium maximarumque rerum peritiſſimus P. Servilius.*] This Publius Servilius was ſent to the piratic war after Antony, and vanquiſhed the enemy with great ſlaughter. But not content with driving them from the ſeas, he made himſelf maſter of Phaſelis and Olympus, two very ſtrong cities, the chief repoſitories of their plunder. He likewiſe ſubdued the Iſauri in Cilicia, and thence obtained the ſurname of Iſauricus.

(38.) *Iſtam tuam legem*, &c.] This law was very diſpleaſing to the avowed patriots of thoſe times; not only becauſe they thought it an infringement of publick liberty, that one man ſhould engroſs all the military commiſſions of importance; but becauſe of the ſlight that was thereby put upon Lucullus; whoſe great actions, and love to his country, merited a very different return.

pey, not only on account of his military glory, but likewiſe for his known probity and moderation of mind. The Roman people obſerved, that the publick money from year to year enriched only a few; and that all the advantage we gained by the empty name of a fleet was, an increaſe of infamy from repeated loſſes. Are thoſe who oppoſe the conferring ſuch an extenſive command upon one perſon, ignorant with what avaritious views, through what a profuſion of bribery, and on what infamous conditions our magiſtrates now repair to their provinces? Inſomuch that Pompey appears no leſs great by the contraſt of their vices, than by the luſtre of his own proper virtues. Therefore heſitate no longer to commit all to the care of a man, who alone of late years has ſo far gained the confidence of your allies, that they rejoice to ſee him enter their cities at the head of an army. But if you think it likewiſe needful, Romans, that in a point ſo material, your choice ſhould be backed by authorities; I can name P. Servilius, a man eminently ſkilled in war, and great affairs: one whoſe exploits by ſea and land have acquired him ſo much reputation, that in all military deliberations, no man's opinion ought to challenge greater regard. I can name C. Curio, ſo diſtinguiſhed by your ſignal favours and his own great actions, ſo illuſtrious for his matchleſs abilities and prudence. I can name Cn. Lentulus, in whom you have always found a capacity and talents, equal to the great honours you have conferred upon him. In fine, I can name C. Caſſius, who for integrity, probity, and firmneſs, acknowledges no ſuperior. Thus you ſee how eaſily, by the authority of ſo many great men, we can put to ſilence thoſe who oppoſe this law.

SECT. XXIV. For all theſe reaſons, C. Manilius, I here in the firſt place declare my entire approbation of your law, your purpoſe, and your opinion: In the next place I exhort you, with the aſſiſtance of the Roman people, to continue unſhaken in this purpoſe, and to ſuffer no threats nor violence to daunt you. In fact, I have no reaſon to doubt of your courage and firmneſs: and as we are ſupported with a greater zeal and unanimity, than was ever known in the like caſe before; what ground have we, either to diſtruſt the meaſure itſelf, or our ſucceſs in the proſecution of it. For my own part, whatever talents I enjoy from nature, or have acquired by application and ſtudy; whatever influence I derive from the favours of the Roman people, and the prætorian dignity wherewith they have inveſted me; whatever I can effect by my authority, fidelity, and perſeverance; I here promiſe and make it all over to you and my fellow-citizens, for the carrying of this point. I atteſt all the gods, particularly thoſe who preſide over this place and temple, and who ſee into the real deſigns of all concerned in the adminiſtration of

omnium menteis eorum, qui ad rempubl. adeunt, maxime perſpiciunt, me hoc neque rogatu facere cujuſquam, neque quo Cn. Pompeii gratiam mihi per hanc cauſam conſiliari putem, neque quo mihi ex cujuſquam amplitudine, aut præſidia periculis, aut adjumenta honoribus quæram: propterea quòd pericula facile, ut hominem præſtare oportet, innocentia tecti pellemus; honores autem, neque ab uno, neque ex hoc loco, ſed eadem noſtra illa laborioſiſſima ratione vitæ, ſi veſtra voluntas feret, conſequemur. Quamobrem quidquid in hac causâ mihi ſuſceptum eſt, Quirites, id omne me reipublicæ cauſâ ſuſcepiſſe confirmo: tantumque abeſt ut aliquam bonam gratiam mihi quæſiſſe videar, ut multas etiam ſimultates partim obſcuras, partim apertas, intelligam mihi non neceſſarias, vobis non inutiles ſuſcepiſſe. Sed ego me hoc honore præditum, tantis veſtris beneficiis affectum, ſtatui, Quirites, veſtram voluntatem, & reipublicæ dignitatem, & ſalutem provinciarum atque ſociorum, meis omnibus commodis & rationibus præferre oportere.

PRO

of publick affairs, that I have not undertaken this part at the ſolicitations of any perſon whatever, nor with the view of ingratiating myſelf with Pompey, nor to procure from any one's greatneſs, a ſhelter againſt dangers, or an increaſe of honours: For as to dangers, I ſhall always eaſily repel them by my innocence, as it becomes every virtuous man to do: And in the purſuit of honours, I ſhall neither truſt to one man's favour, nor ſolicit them from this place, but endeavour to merit them by the ſame laborious courſe of life, which I have hitherto followed with your approbation. Whatever therefore I have done in this cauſe, Romans, I here affirm was done with a view to the good of my country: And ſo far have I been from purſuing any private intereſt, that I am ſenſible I have drawn much hatred upon myſelf, partly ſecret, partly open, which I might have avoided, and by which you may profit. But cloathed with this honourable office, and indebted as I am to your favours, I conſider it as my indiſpenſable duty, to prefer your determinations, the dignity of the commonwealth, and the ſafety of our provinces and allies, to all partial and particular views of advantage.

ORATIO III.

PRO

C. RABIRIO.

I. ESTI, Quirites, non eſt meæ, conſuetudinis initio dicendi rationem reddere, qua de cauſa quemque defendam, propterea quòd cum omnibus civibus in eorum periculis ſemper ſatis juſtam mihi cauſam neceſſitudinis eſſe duxi: tamen in hac defenſione capitis, famæ, fortunarum omnium C. Rabirii, proponenda ratio videtur eſſe officii mei: propterea quòd, quæ juſtiſſima mihi cauſa ad hunc defendendum eſſe viſa eſt, eadem vobis ad abſolvendum debet videri. Nam me cùm amicitiæ vetuſtas, tum dignitas hominis, tum ratio humanitatis, tum meæ vitæ perpetua conſuetudo, ad C. Rabirium defendendum eſt adhortata: tum vero ut id ſtudioſiſſime facerem, ſalus reip. conſulare officium, conſulatus denique ipſe mihi unà vobiſcum cum ſalute reipubl. commendatus coëgit. Non enim C. Rabirium culpa delicti, non invidia, vitæque turpitudo, non denique veteres, juſtæ, graveſque inimicitiæ civium in diſcrimen capitis vocaverunt: ſed ut (1.) illud ſummum auxilium Majeſtatis, atque imperii, quod nobis à Majoribus eſt traditum, de repub. tolleretur; ut nihil poſthac auctoritas ſenatûs, nihil conſulare imperium, nihil conſenſio bonorum contra peſtem ac perniciem civitatis

NOTES.

* Titus Attius Labienus, tribune of the people, impeached C. Rabiricus of treaſon; for having thirty-ſix years before ſlain Apuleius Saturninus, who had raiſed a ſedition in the city, and was declared by the ſenate an enemy to the Roman ſtate. Hortenſius, and Cicero, at that time conſul, undertook his defence. The cauſe had been already tried before the Decemviri, where Rabirius being condemned, appealed to the people in their comitia by centuries. It was on this occaſion that Cicero made the following ſpeech, great part of which is loſt. But the affair never came to an iſſue. For the ſenate dreading the ſpirit of the people on this occaſion, Metellus Celer contrived to diſſolve the aſſembly, by taking away the military enſign from the Janiculum: And Labienus not thinking fit to renew the proſecution, Rabirius eſcaped.

(1.) *Illud ſummum auxilium.*] Cicero means here that famous decree of the ſenate, by which, in times of publick danger, the conſuls were enjoined to take care that the commonwealth received no detriment. For Saturninus having raiſed a ſedition in the city, and the ſenate paſſed the above decree; the conſuls ordered the people to arm, and

ORATION III.

For C. RABIRIUS.

SECT. I. ALthough it is not uſual with me, Romans, in the beginning of my pleading, to give an account of the reaſons that induce me to undertake the defence of my client, becauſe I have always conſidered my connections with my fellow-citizens, as a ſufficient plea for intereſting myſelf in their affairs: yet as the cauſe I am now engaged in regards the life, the reputation, and the whole fortunes of C. Rabirius, I think it incumbent upon me, to lay before you the motives of my preſent conduct; becauſe the ſame reaſons that ſo powerfully induced me to undertake his defence, ſhould no leſs forcibly urge you to acquit him. For as ancient friendſhip, the merit of the man, common humanity, and my conſtant practice through life, jointly called upon me to defend Rabirius: ſo the ſafety of the ſtate, my duty as conſul, in fine, the conſulſhip itſelf, which together with the publick tranquillity has been entruſted to my care in conjunction with you, compelled me to engage zealouſly in his cauſe. For it is not any criminal imputation, any jealouſy of his conduct, or blemiſh in his morals; nor, in ſhort, any old, juſt, and weighty reſentment of his fellow-citizens, that have brought Rabirius into the preſent danger: but the deſign of aboliſhing out of the commonwealth that ſovereign preſervative of our majeſty and empire, which has been handed down to us from age to age by our anceſtors: that the authority of the ſenate, the power of the conſuls, and the concurrence of the honeſt, might henceforth be of no effect againſt what threatened the utter ruin and ſubverſion of the ſtate. Accordingly, it is with

NOTES.

and Rabirius, among the reſt, joined them. Should he therefore have been condemned on this account, no one would afterwards have dared to take up arms in conſequence of that decree, which Cicero here calls the great Bulwark of the ſtate.

vitatis valeret: idcirco in his rebus evertendis (2.) unius hominis ſenectus, infirmitas ſolitudoque tentata eſt. Quamobrem, ſi eſt boni conſulis, cùm cuncta auxilia reipub. labefactari, convellique videat, ferre opem patriæ, ſuccurrere ſaluti fortuniſque communibus, implorare civium fidem, ſuam ſalutem poſteriorem ſalute communi ducere; eſt etiam bonorum & fortium civium, quales vos omnibus reip. temporibus exſtitiſtis, intercludere omnes ſeditionum vias, munire præſidia reipubl. ſummum in conſulibus imperium, ſummum in ſenatu conſilium, putare; ea qui ſecutus ſit, laude potius & honore quàm pœna & ſupplicio dignum judicare. Quamobrem labor in hoc defendendo præcipuus meus eſt: ſtudium vero conſervandi hominis, commune mihi vobiſcum eſſe debebit.

II. Sic enim exiſtimare debetis, Quirites, poſt hominum memoriam rem nullam majorem, magis periculoſam, magis ab omnibus vobis providendam, neque à tribuno pleb. ſuſceptam, neque à conſule defenſam, neque ad populum Rom. eſſe delatam. Agitur enim nihil aliud in hac cauſâ, Quirites, quàm ut nullum ſit poſthac in repub. publicum conſilium, nulla bonorum conſenſio contra improborum furorem & audaciam; nullum extremis reip. temporibus perfugium & præſidium ſalutis. Quæ cum ita ſint, primum, quod in tanta dimicatione capitis, famæ, fortunarumque omnium fieri neceſſe eſt, (3.) ab Jove Optimo Max. cæteriſque diis deabuſque immortalibus, quorum ope & auxilio multo magis hæc reſp. quàm ratione hominum & conſilio gubernatur, pacem ac veniam peto: precorque ab iis, ut hodiernum diem & ad hujus ſalutem conſervandam, & ad rempubl. conſtituendam, illuxiſſe patiantur. Deinde vos, Quirites, quorum poteſtas proxime ad deorum immortalium numen accedit, oro atque obſecro, quoniam uno tempore vita C. Rabirii, hominis miſerrimi atque innocentiſſimi, ſalus reip. veſtris manibus ſuffragiiſque permittitur, adhibeatis in hominis fortunis miſericordiam, in reip. ſalute ſapientiam, quam ſoletis. Nunc quoniam,

NOTES.

(2.) *Unius hominis ſenectus, infirmitas ſolitudo.*] Rabirius muſt certainly have been very old at this time: For the death of Saturninus happened thirty-ſix years before, and he was then a ſenator, to which honour no one could be admitted before the age of thirty. We are not therefore to imagine, when Cicero ſpeaks of the weak and helpleſs condition of Rabirius, that he was utterly deſtitute of friends. He was a man of quality and intereſt, had been long a member of the ſenate, and by the zeal with which Cicero, Hortenſius, and the whole body of the nobility eſpouſed his cauſe, appears to have been well ſupported. But it was a mark of reſpect which an aſſembly of the Roman people always expected from thoſe who appeared before them in conſequence of a publick accuſation, that they ſhould be repreſented as the greateſt objects of compaſſion.

(3.) *Ab Jove Optimo Maximo.*] It was an eſtabliſhed practice, not only among the Greek orators, but alſo among the Roman, to invoke the Gods in the beginning of their ſpeeches. Cicero does it with a peculiar grace here: becauſe not a private cauſe, and the fortunes of a ſingle man; but the proſperity of the whole Roman empire, for which the gods were ſuppoſed more immediately

with a view to overthrow all theſe bulwarks of the publick ſafety, that an attack is now made upon the old age, weakneſs, and helpleſs condition of a ſingle man. If therefore it be the duty of a provident conſul, when he ſees the main pillars of the commonwealth ſhaken and almoſt overturned, to fly to the aſſiſtance of his country, to watch over the ſafety and fortunes of the people, to implore the protection of his fellow-citizens, and to look upon his own ſafety as but ſecond to that of the ſtate; it is no leſs incumbent upon brave and honeſt citizens, ſuch as you have approved yourſelves in all the exigencies of the commonwealth, to ſhut up every avenue of ſedition, to ſtrengthen the defences of the ſtate, to be perſuaded that the whole executive power of the government reſides in the conſuls, and the whole deliberative in the ſenate, and to judge that whoever follows theſe maxims, is more worthy of praiſe and honour, than pains and penalties. The taſk therefore of defending Rabirius, falls principally to my ſhare; but the zeal and concern for his preſervation ought to be in common to us both.

SECT. II. Your ſentiments upon this occaſion ought to be, Romans, that within the memory of man, no cauſe more important in itſelf, more dangerous in its conſequences, more worthy of your attention in all its parts, was ever undertaken by a tribune of the commons, defended by a conſul, or brought before an aſſembly of the Roman people. For the thing in queſtion, citizens, is no leſs, than that henceforward there be no ſtanding council of the republick; no union of the honeſt, againſt the madneſs and preſumption of the profligate; no refuge or ſhelter, in the extreme neceſſities of the commonwealth. Which being the caſe: firſt of all, as becomes me in ſo mighty a ſtruggle for the ſafety, honour, and fortunes of every Roman; I implore the forgiveneſs and favour of the all-powerful and beneficent Jupiter, and of the other gods and goddeſſes, by whoſe aid and interpoſition, much more than by any human prudence and foreſight, this government is upheld: and I requeſt that this day may prove a day of deliverance to Rabirius, and of preſervation to my country. Next, I entreat and conjure you, Romans, whoſe power approaches the neareſt to that of the immortal gods, ſince at the ſame time the life of C. Rabirius, the moſt innocent and unfortunate of mankind, and the ſafety of the commonwealth is committed to your care and ſuffrages, that you will exert that compaſſion in behalf of the accuſed, and that prudence for the preſervation of your country, which is wont to be ſo conſpicuous

NOTES.

diately intereſted, was at ſtake. Jupiter is ſo called, *quaſi juvans pater*, and the epithets *optimus, maximus*, were thoſe by which he was always addreſſed.

niam, (4.) T. Labiene, diligentiæ meæ, temporis anguſtiis obſtitiſti, meque ex comparato & conſtituto ſpatio defenſionis in ſemihoræ curriculum coegiſti, parebitur, &, quod iniquiſſimum eſt, accuſatoris conditioni, &, quod miſerrimum, inimici poteſtati. Quamquam in hac præſcriptione ſemihoræ patroni mihi parteis reliquiſti, conſulis ademiſti: propterea quod ad defendendum propemodum ſatis erit hoc mihi temporis, verum ad conquerendum parum. Niſi fortè de locis religioſis, ac de lucis, quos ab hoc violatos eſſe dixiſti, pluribus verbis tibi reſpondendum putas; quo in crimine nihil eſt unquam abs te dictum, niſi à C. Macro objectum eſſe crimen id C. Rabirio: in quo ego demiror, meminiſſe te, quid objecerit C. Rabirio Macer inimicus; oblitum eſſe, quid æqui, & jurati Judices judicarint.

III. An (5.) de peculatu facto, an de tabulario incenſo longa oratio eſt expromenda? quo in crimine propinquus C. Rabirii judicio clariſſimo C. Curtius pro virtute ſua eſt honeſtiſſime liberatus: ipſe vero Rabirius non modò in judicium horum criminum, ſed ne in tenuiſſimam quidem ſuſpicionem verbo eſt unquam vocatus. An de ſororis filio diligentius reſpondendum eſt, (6.) quem ab hoc necatum eſſe dixiſti, cum ad judicii moram familiaris funeris excuſatio quæreretur? Quid enim eſt tam veriſimile, quam cariorem huic ſororis maritum, quam ſororis filium fuiſſe? atque ita cariorem, ut alter vitâ crudeliſſime privaretur, cum alteri ad prolationem judicii biduum quæreretur? An de ſervis alienis (7.) contra legem Fabiam retentis, aut de civibus Rom. contra legem Porciam verberatis, aut necatis, plura dicenda ſunt, cum tanto ſtudio C. Rabirius totius Apuliæ, ſingulari voluntate Campaniæ vicinitatis ornetur? cumque ad ejus propulſandum periculum non modo homines, ſed prope regiones ipſæ

NOTES.

(4.) *T. Labiene.*] This is the ſame Labienus who afterwards ſerved with ſo much reputation under Cæſar in Gaul. He was tribune of the people the ſame year that Cicero was conſul. The orator here complains, that ſo little time was granted him by the tribune for anſwering the charge brought againſt his client; for he was confined to the ſhort ſpace of half an hour, whereas it was uſual to allow two hours for the accuſation, and three for the defence. But from this it would appear, as Manutius obſerves, that in caſes of treaſon, the perſon who brought the impeachment had a right to preſcribe the length of time allowed to the accuſed for making his defence.

(5.) *An de tabulario incenſo.*] The place where the regiſter and publick acts were kept. When this crime therefore was objected to Rabirius, the true author was not known; but Q. Soſius ſome time after, confeſſed himſelf guilty.

(6.) *Quem ab hoc necatum eſſe dixiſti.*] C. Curtius, brother-in-law to Rabirius, was accuſed of embezzlement. During the courſe of the trial his ſon died; upon which he petitioned for a reſpite of judgment, that he might have time to attend the funeral of his ſon. But ſuch was the violence of the times, and the malice of Rabirius's proſecutors, that they pretended he had murdered his nephew, with no other view than to procure a ſhort delay for his brother-in-law. But as Cicero very well obſerves here, it was not likely he would incur ſo much guilt only, to gain two days; nor could it be ſuppoſed his ſiſter's huſband was dearer to him than his ſiſter's ſon.

(7.)

conſpicuous in your aſſemblies. And now, T. Labienus, ſince you have checked my induſtry by the narrowneſs of the time, and contracted the uſual ſpace allotted for a defence, to the ſhort compaſs of half an hour, I ſhall comply with the terms you have thought fit to preſcribe; which it is highly unjuſt ſhould come from an accuſer, and dangerous to permit to the power of an enemy. For in this limitation of half an hour, though you have indeed left me the part of a pleader, you have taken from me that of a conſul; becauſe the time is ſufficient for making my defence, but by no means for entering my complaint. Unleſs, perhaps, you imagine that I am to ſpend many words in anſwer to thoſe profanations of temples and hallowed groves, wherewith you charge Rabirius. But touching this accuſation you have ſaid nothing, unleſs that C. Macer had objected it to him. And here I cannot but expreſs my wonder, that you ſhould remember the ſpiteful reproaches of Macer an enemy, and forget the equitable deciſion of the judges who were upon oath.

SECT. III. Muſt I enlarge on the charge of embezzlement, and burning the regiſter? A charge of which C. Curtius, a near relation of Rabirius, was moſt honourably acquitted by an authentick judgment, in conſideration of his virtue and innocence: for as to Rabirius himſelf, he not only was never queſtioned on this article, but never ſo much as incurred the ſlighteſt ſuſpicion of guilt. Muſt I anſwer particularly with regard to his ſiſter's ſon, whom you pretend he killed, that the neceſſity of attending the funeral of a relation, might furniſh a plea for putting off the trial? For what can be more probable, than that his ſiſter's huſband was dearer to him than his ſiſter's ſon? And that too in ſuch a degree, that the one was cruelly deprived of life, to procure a delay of the other's trial for only two days? Am I to enlarge upon the ſlaves detained in defiance of the Fabian law, or the Roman citizens ſcourged and put to death contrary to the Porcian law? When the whole country of Apulia, with all the ſtates bordering upon Campania, teſtify ſo diſtinguiſhed a regard for Rabirius, that not only particular men, but whole regions and communities, to a farther extent than the name and limits of neighbourhood require, flock together

NOTES.

(7.) *Contra legem Fabiam.—legem Porciam.*] The Fabian law provided, that no perſon, againſt the will, and without the knowledge of the maſter, ſhould conceal the ſlave of another man, or put him in irons, or artfully entice him away. The Porcian law was enacted by M. Porcius Cato, tribune of the people in the conſulſhip of Valerius and Apuleius. By it no magiſtrate was permitted to beat a Roman citizen with rods, or put him to death; whereas it had been the practice before, to ſtrip the party quite naked, thruſt his neck between the two prongs of a fork, and ſcourge him to death.

(8.)

ipſæ convenerint, aliquanto etiam latius excitatæ, quam ipſius vicinitatis nomen ad termini poſtulabant? Nam quid ego ad id longam Orationem comparem, quod eſt in eadem (8.) multæ irrogatione præſcriptum, hunc nec ſuæ, nec alienæ pudicitiæ peperciſſe? Quin etiam ſuſpicor, eo mihi ſemi-horam à Labieno præſtitutam eſſe, ut ne plura de pudicitia dicerem. Ergo ad hæc crimina, quæ patroni diligentiam deſiderant, intelligis mihi ſemi-horam iſtam nimium longam fuiſſe. Illam alteram partem de nece Saturnini nimis exiguam atque anguſtam eſſe voluiſti: quæ non Orationis ingenium, ſed conſulis auxilium implorat & flagitat. (9.) Nam de perduellionis judicio, quod à me ſublatum eſſe criminari ſoles, meum crimen eſt, non Rabirii. Quod utinam, Quirites, ego id aut primus, aut ſolus ex hac repub. ſuſtuliſſem! utinam, quod ille crimen eſſe vult, proprium teſtimonium meæ laudis eſſet! Quid enim optari poteſt, quod ego mallem, quam me in conſulatu meo carnificem de foro, crucem de campo ſuſtuliſſe? Sed iſta laus primum eſt majorum noſtrorum, Quirites, qui expulſis regibus, nullum in libero populo veſtigium crudelitatis regiæ retinuerunt: deinde multorum virorum fortium, qui veſtram libertatem non acerbitate ſuppliciorum infeſtam, ſed lenitate legum munitam eſſe voluerunt.

IV. Quamobrem uter noſtrum tandem, Labiene, popularis eſt? tu-ne, qui civibus Roman. in concione ipſa carnificem, qui vincula adhiberi putas oportere? qui in campo Martio, comitiis centuriatis, auſpicato in loco, crucem ad civium ſupplicium defigi & conſtitui jubes? an ego, qui funeſtari concionem contagione carnificis veto? qui expiandum forum pop. Romani ab illis nefarii ſceleris veſtigiis eſſe dico? qui caſtam concionem, ſanctum campum, inviolatum corpus omnium civium Rom. integrum jus libertatis defendo ſervari oportere? Popularis vero tribunus-pleb. cuſtos defenſorque juris & libertatis. Porcia lex virgas ab omnium civium Rom. corpore amovit: hic miſericors flagella retulit. Porcia lex libertatem civium lictori eripuit: Labienus, homo popularis, carnifici tradidit. C. Gracchus legem tulit, ne de capite civium Rom. injuſſu

NOTES.

(8.) *Multæ irrogatione.*] The method of proceeding in caſes of amercement was this: The magiſtrate ſummoned the party to appear before the people on a certain day: he then accuſed him three times: afterwards, as it was termed, *irrogabat multam*; that is, he petitioned the people to confiſcate a certain part of his eſtate.

(9.) *Nam de perduellionis judicio.*] In what reſpect could Cicero be charged with having aboliſhed the uſual forms of proceeding in caſes of treaſon? Not by any law that he had procured to be enacted, but by prevailing to have Rabirius tried in the comitia by centuries, and exerciſing his eloquence and intereſt to get the ſentence of the Duumviri reverſed.

together to ward off the danger that threatens him. Why ſhould I entertain you with a long diſcourſe, in relation to what is contained in the act of amercement, that he ſpared neither his own chaſtity, nor that of others? Nay, I am indeed inclined to think, that Labienus has reſtricted me to the ſpace of half an hour, that I may not enlarge too much upon the ſubject of chaſtity. With reſpect to thoſe points, therefore, that require the exactneſs of a pleader, he thought this half hour rather too long: but as to that other part of the charge, which concerns the death of Saturninus, and which demands not ſo much the genius of an orator, as the authority and protection of a conſul, he deſigned the half hour as too ſhort and confined. For as to the forms of proceeding againſt treaſon, which I am reproached with having aboliſhed, that accuſation lies againſt me, and not againſt Rabirius. And indeed, I heartily wiſh, Romans, that I had been either the firſt, or the only one, who aboliſhed this out of the commonwealth; and that I could claim as my ſole and peculiar glory, what he thinks proper to charge me with as a crime. For what is there I ſhould rather deſire, than during my conſulſhip to have baniſhed an executioner from the forum, and removed a croſs out of the field of Mars? But the merit of this belongs in the firſt place to our anceſtors, who, upon the expulſion of the kings, would ſuffer no traces of royal cruelty to remain among a free people: And in the next, to the wiſe counſels of many brave citizens, whoſe aim was, not to infeſt publick liberty by the terror of ſevere puniſhments, but to ſecure it by the diſcipline of mild and wholeſome laws.

SECT. IV. Which then, Labienus, is the more popular man of the two? You, who in an aſſembly of the Roman people, awe citizens with the terror of an executioner and chains: who in the Campus Martius, on a conſecrated ſpot, and during the comitia by centuries, order a croſs to be erected for the puniſhment of Roman citizens? Or I, who will not ſuffer an aſſembly to be polluted by the preſence of an executioner? Who order the Roman forum to be cleared of all traces of ſo impious a profanation? Who contend for the purity of our aſſemblies, the ſanctity of the field of Mars, that the bodies of Roman citizens remain inviolate, and their liberties be preſerved from infringement? A tribune is choſen to be the protector of the people, the guardian and defender of their rights and liberties. The Porcian law forbid ſtripes to be inflicted on the bodies of Roman citizens: this merciful tribune reſtores the uſe of the ſcourge. The Porcian law reſcued citizens from the hands of the lictors: the popular Labienus delivers them over to the executioner. Caius Gracchus paſſed a law, that no Roman ſhould be capitally tried without your concurrence: this guardian

injuſſu veſtro judicaretur: hic popularis (10.) à Duumviris injuſſu veſtro, non judicari de cive Rom. ſed indicta cauſa civem Roman. capitis condemnari coegit. Tu mihi etiam legis Porciæ, tu C. Gracchi, tu horum libertatis, tu cujuſquam denique hominis popularis mentionem facis, qui non modo ſuppliciis inuſitatis, ſed etiam verborum inaudita crudelitate violare libertatem hujus populi, tentare manſuetudinem, commutare diſciplinam conatus es? Namque hæc tua, quæ te hominem clementem popularemque delectant: I LICTOR, COLLIGA MANUS: quæ non modo hujus libertatis, manſuetudiniſque non ſunt, ſed ne Romuli quidem, aut Numæ Pompilii: ſed Tarquinii ſuperbiſſimi atque crudeliſſimi regis (11.) iſta ſunt cruciatus carmina: quæ tu homo lenis, ac popularis libentiſſimè commemoras, CAPUT OBNUBITO, ARBORI INFELICI SUSPENDITO; quæ verba, Quirites jam pridem in hac repub. non ſolum tenebris vetuſtatis, verum etiam luce libertatis oppreſſa ſunt.

V. An vero, ſi actio iſta popularis eſſet, & ſi ullam partem æquitatis haberet aut juris, C. Gracchus eam reliquiſſet? ſcilicet tibi graviorem dolorem patrui tui mors attulit, quam C. Graccho fratris: & tibi acerbior ejus patrui mors eſt, quem nunquam vidiſti, quam illi ejus fratris, quîcum concordiſſimè vixerat: & ſimilis viri tu ulciſceris patrui mortem, atque ille perſegueretur fratris ſui, ſi iſta ratione agere voluiſſet? & par deſiderium ſui reliquit apud populum Romanum Labienus iſte, patruus veſter, quiſquis fuit, ac Tib. Gracchus reliquerat? An pietas tua major, quam Gracchi? an animus? an conſilium? an opes? an auctoritas? an eloquentia? quæ ſi in illo minima fuiſſent, tamen præ tuis facultatibus maxima putarentur. Cum vero his rebus omnibus C. Gracchus omnes vicerit, quantum intervallum tandem inter te atque illum interjectum putas? Sed moreretur priùs acerbiſſima morte millies Gracchus, quam in ejus concione carnifex conſiſteret; quem non modo foro, ſed etiam cælo hoc ac ſpiritu cenſoriæ leges, atque urbis domicilio carere voluerunt. Hic ſe popularem dicere audet, me alienum à commodis

NOTES.

(10.) *A Duumviris.*] The Duumviri, as we learn from Suetonius, in his life of Cæſar, were firſt created by Tullus Hoſtilius, fourth king of Rome, upon occaſion of Horatius's murdering his ſiſter; but with the liberty of appealing to the people. Rabirius's cauſe had been firſt tried at this tribunal. Cæſar was at that time one of the Duumviri, and appeared ſo eager to condemn the old man, that as we are told by the hiſtorians of thoſe times, nothing did him greater ſervice with the people, than the viſible partiality of his judge.

(11.) *Iſta ſunt cruciatus carmina.*] He means here the form of words in which the law was conceived. For laws, and the deciſions given by the magiſtrates, are often in Roman authors ſtiled *carmina*. Thus Livy, in his firſt book, ſpeaking of this very law, ſays, *Lex horrendi carminis erat. Duumviri Perduellionem judicent: ſi a Duumviris provocarit, provocatione certato: ſi vincent, caput obnubito, arbori infelici reĉte ſuſpendito: verberato vel intra Pomerium, vel extra Pomerium.* The form of this dreadful law was as

of the people's rights compelled the Duumviri, not only to try capitally, but to condemn unheard a Roman citizen, without applying for your conſent. Dare you after this mention to me the Porcian law, the name of Caius Gracchus, the liberty of your fellow-citizens, or the example of any eminent patriot? You, I ſay, who not only by unprecedented puniſhments, but by expreſſions of unuſual barbarity, have attempted to violate the liberties of this people, the mildneſs of their laws, and the eſtabliſhed conſtitutions of their government. *Go, lictor, bind his hands*, are the words that delight your popular and compaſſionate ear: words not only repugnant to liberty, and the clemency of the preſent adminiſtration; but ſuch as were not known even to Romulus or Numa Pompilius, and ſuit only the imperious times of Tarquin, the haughtieſt and moſt mercileſs of tyrants: yet theſe, like a mild and popular magiſtrate, you repeat with rapture. *Cover his head, nail him to the accurſed tree:* Words, Romans, that in this ſtate, have not only been long ago buried under the ruins of antiquity, but even diſſipated by the rays of liberty.

SECT. V. Had this proceeding been popular, had it been in any reſpect conſiſtent with equity and juſtice, Caius Gracchus would never have aboliſhed it. Could the death of an uncle grieve you more, than that of a brother did Caius Gracchus? Was you more afflicted for the loſs of an uncle you never ſaw, than he for the loſs of a brother with whom he lived in the ſtricteſt union? Will you revenge the death of ſuch a man as your uncle, as he would have done that of his brother, had he been diſpoſed to act upon your principles? Was that uncle of yours, Labienus, whoever we ſuppoſe him to be, equally dear to and regretted by the Roman people, as was Tiberius Gracchus? Do you pretend to vie with Caius Gracchus in piety? in courage? in prudence? in intereſt? in authority? in eloquence? Qualities, which even ſuppoſing them to have been but moderate in him, yet compared with yours muſt appear eminent. But as in all theſe reſpects Caius Gracchus was the firſt man of his age, at how vaſt a diſtance ought you to place yourſelf behind him? And yet Gracchus would ſooner a thouſand times have died the cruelleſt of deaths, than ſuffered an executioner to be preſent in an aſſembly where he preſided: one ſo odious to this ſtate, that the laws of the cenſors have not only baniſhed him the forum, but adjudged him unworthy of the common benefits of light, air, and the ſhelter of a roof within the city. Dare he aſſume the name

NOTES.

as follows: "Let the Duumviri judge in "matters of treaſon: If an appeal ſhall be "made to the people, let the cauſe be tried "again before them: If the party ſhall be "caſt, let his head be bound up, let him "be hung on the fatal tree: but firſt let "him be whipt either within or without "the Pomerium."

commodis veſtris: cum iſte omnes & ſuppliciorum, & verberum acerbitates, non ex memoria veſtra ac patrum veſtrorum, ſed (12.) ex annalium monumentis, atque ex regum commentariis conquiſierit: ego omnibus meis opibus, omnibus conſiliis, omnibus dictis atque factis repugnarim, & reſtiterim crudelitati? Niſi forte hanc conditionem vobis eſſe vultis, quam ſervi, ſi libertatis ſpem propoſitam non haberent, ferre nullo modo poſſent. Miſera eſt ignominia judiciorum publicorum, miſera multatio bonorum, miſerum exſilium: ſed tamen in omni calamitate retinetur aliquod veſtigium libertatis; mors denique ſi proponitur, in libertate moriamur; carnifex vero & obductio capitis, & nomen ipſum crucis, abſit, non modo à corpore civium Roman. ſed etiam à cogitatione, oculis, auribus. Harum enim omnium rerum non ſolum eventus, atque perpeſſio, ſed etiam conditio, exſpectatio, mentio ipſa denique, indigna cive Romano atque homine libero eſt. An vero ſervos noſtros horum ſuppliciorum omnium metu, dominorum benignitas (13.) una vindicta liberabit: nos à verberibus, ab unco, à crueis denique terrore, neque res geſtæ, neque acta ætas, neque noſtri honores vindicabunt? Quamobrem fateor, atque etiam, T. Labiene, profiteor, & præ me fero, te ex illa crudeli, importuna, non tribunitia actione, ſed Regia, meo conſilio, virtute, auctoritate eſſe depulſum. Qua tu in actione, quanquam omnia exempla Majorum, omnes leges, omnem auctoritatem Senatus, omnes religiones atque auſpiciorum publica jura neglexiſti: tamen à me hæc in hoc tam exiguo meo tempore non audies: liberum tempus nobis dabitur ad iſtam diſceptationem; nunc de Saturnini crimine ac de clariſſimi partrui tui morte dicemus.

VI. Arguis occiſum eſſe à C. Rabirio L. Saturninum: & id C. Rabirius multorum teſtimoniis, Q. Hortenſio copioſiſſimè defendente, ante falſum eſſe docuit. Ego autem, ſi mihi eſſet integrum, ſuſciperem hoc crimen, agnoſcerem, confiterer. Utinam hanc mihi facultatem cauſa concederet, ut poſſem hoc prædicare, C. Rabirii manu

NOTES.

(12.) *Ex Annalium monumentis, ex regum commentariis.*] The Romans from the very beginning of their ſtate took care to record all publick tranſactions; appointing the high-prieſt to write down yearly every thing that happened worthy of notice. Theſe records, referring every event to its proper year, were termed annals. We learn too from Livy, book 1. that the Roman kings wrote commentaries of what paſſed during their reſpective reigns.

(13.) *Una vindicta.*] This alludes to the ceremony of manumiſſion, which was thus performed. The ſlave was brought before the conſul, and in after-times before the prætor, by his maſter, who laying his hand upon his ſervant's head, ſaid to the prætor, *Hunc hominem liberum eſſe volo; e manu emittere.* Then the prætor laying a rod upon his head, called vindicta, ſaid, *Dico eum liberum eſſe more Quiritum.* After this the lictor taking the rod out of the prætor's hand,

of a popular magiſtrate, or brand me as an enemy to your intereſts; when he is ſearching for the moſt rigorous precedents of puniſhing and paſſing ſentence, not in the records of the preſent or former age, but in the remote annals of antiquity, and the diſtant regiſters of our kings; while I employ all my intereſt and abilities, all my words and actions, to oppoſe and reſiſt the encroachments of cruelty? Unleſs perhaps you are diſpoſed to chuſe a lot, which ſlaves themſelves could never be brought to endure, unleſs ſupported by the proſpect of liberty. Wretched is the ignominy of publick trials, wretched the confiſcation of eſtate, wretched the puniſhment of exile: yet in that whole train of ſuffering, ſome footſteps of liberty ſtill remain. Nay, where death itſelf is propoſed as a puniſhment, we are at leaſt permitted to die free. But an executioner, the muffling up of the head, the dreadful name of the croſs, may all theſe not only never reach the body, but be ſtrangers to the thoughts, eyes and ears of Roman citizens. For to ſay nothing of the preſence and feeling of theſe calamities, the dread, the expectation, in fine, the very mention of them, is unworthy a Roman citizen, and a man nurſed in the boſom of liberty. Shall the humanity of a maſter, by one manumitting blow, deliver our ſlaves from the terror of all theſe puniſhments? And ſhall neither our great actions, a life ſpent in the ſervice of our country, nor the honours to which we have been promoted, exempt us from the ſcourge, from the ax, or from the infamy of the croſs? I therefore confeſs, proclaim, and publickly avow, Labienus, that you was defeated in that cruel, malicious, and not popular, but tyrannical purpoſe, by my authority, credit, and firmneſs. But though in this proceeding, you ran counter to all the precedents of former times, all the eſtabliſhed laws of the ſtate, the ſtanding authority of the ſenate, the awful ceremonies of religion, and the ſacred conſtitutions of the Augurs; yet ſhall you hear nothing from me on this head, becauſe of the ſhort time to which I am reſtricted. Theſe points may be reſumed at a more convenient ſeaſon. At preſent I ſhall confine myſelf to the crime of Saturninus, and the death of your moſt illuſtrious uncle.

SECT. VI. You accuſe C. Rabirius of having ſlain L. Saturninus: and C. Rabirius, by the teſtimony of many witneſſes, and the copious defence of Hortenſius, has already proved that charge to be falſe. For my part, was I to chuſe in this matter, I would own, take with, and avow the crime. Would to heaven I was at liberty to confeſs, that L. Saturninus, the enemy of the Roman people, was

NOTES.

hand, ſtruck the ſervant ſeveral blows on the head, face, and back; and nothing now remained but *pileo donari*, to receive a cap in token of liberty, and to have his name entered in the common roll of freemen, with the reaſon of his obtaining that favour.

manu L. Saturninum hoſtem populi Romani interfectum. (14.) Nihil me clamor iſte commovet, ſed conſolatur; cum indicat eſſe quoſdam cives imperitos, ſed non multos; nunquam, mihi credite, pop. Rom. hic, qui ſilet, Conſulem me feciſſet, ſi veſtro clamore perturbatum iri arbitraretur. Quanto jam levior eſt acclamatio! quin continetis vocem, indicem ſtultitiæ veſtræ, teſtem paucitatis? Libenter, inquam, confiterer, ſi verè poſſem, aut etiam ſi mihi eſſet integrum, C. Rabirii manu L. Saturninum eſſe occiſum: & id facinus pulcherrimum eſſe arbitrarer; ſed quoniam id facere non poſſum, confitebor id, quod ad laudem minus valebit, ad crimen non minus. Confiteor interficiendi Saturnini cauſâ C. Rabirium arma cepiſſe. Quid eſt, Labiene? quam à me graviorem confeſſionem, aut quod in hunc majus crimen exſpectas? niſi vero intereſſe aliquid putas inter eum qui hominem occidit, & eum qui cum telo occidendi hominis cauſa fuit. Si interfici Saturninum nefas fuit, arma ſumpta eſſe contra Saturninum ſine ſcelere non poſſunt; ſi arma jure ſumpta concedis, interfectum jure concedas neceſſe eſt.

VII. (15.) FIT S. C. ut C. Marius, L. Valerius Conſules adhiberent Tribunos-plebis & Prætores, quos eis videretur: operamque darent, ut imperium populi Rom. majeſtaſque conſervaretur; adhibent omnes Tribunos-plebis, præter Saturninum, Prætores præter Glauciam: qui rempublicam ſalvam eſſe vellent, arma capere, & ſe ſequi jubent. Parent omnes; ex ædificiis armamentariiſque publicis arma populo Romano, C. Mario Conſule diſtribuente, dantur. Hic jam, ut omittam cætera, de te ipſo, Labiene, quæro: cum Saturninus Capitolium teneret armatus, eſſet una C. Glaucia, C. Saufeius, etiam (16.) ille ex compedibus atque ergaſtulo, Gracchus:

NOTES.

(14.) *Nihil me clamor iſte commovet.*] The clamor raiſed upon this occaſion demonſtrates, that the people were in ſome meaſure offended with Cicero, for calling Saturninus the enemy of the Roman people. It was uſual in publick aſſemblies, where any part of the magiſtrate's ſpeech was particularly grateful to thoſe preſent, to receive it with acclamations; and where, on the contrary, it diſpleaſed, to ſignify this diſlike by confuſed murmurs, and a tumultuous clamor. Thus, *Agrar.* 3. *video quoſdam, Quirites, ſirepitu ſignificare neſcio quid.* Cicero, however, affects to deſpiſe the preſent clamor, as the faint effort of a ſmall part of the aſſembly, which he adviſes them to drop, ſince it betrayed only their folly, and the inferiority of their numbers.

(15.) *Fit ſenatus-conſultum ut C. Marius.*] The decree here mentioned was that famous one, by which the conſuls were enjoined to take care that the commonwealth received no detriment. This never paſſed but in times of imminent danger, and was underſtood to inveſt the conſuls with abſolute authority. Cicero therefore, by obſerving, that Rabirius took up arms in conſequence of this decree, juſtifies him from the charge of treaſon; as it thence appeared, that he acted in obedience to a lawful authority. The tribunes uſed their utmoſt endeavours to diveſt the ſenate of this power, as it was frequently employed to check their own ambitious deſigns; but as their ſucceeding in the attempt would have drawn after it the ruin of the publick liberty, they never failed of being vigorouſly oppoſed by all the true lovers of their country.

(16.) *Ille ex compedibus atque ergaſtulo, Gracchus.*] This was one L. Equitius, who pretended

was killed by the hand of C. Rabirius. That clamor diſturbs me not, but rather furniſhes matter of conſolation, as it appears to be no more than the faint effort of a ſmall part of the aſſembly. The body of the Roman people, who are ſilent, would never have made me conſul, had they thought me capable of being diſturbed by ſo feeble an inſult. How the noiſe ſinks! drop theſe vain efforts, which ſerve only to betray your folly, and the inferiority of your numbers. I repeat it again: Could I do it conſiſtently with truth, or were I at liberty to make ſuch a declaration, I would gladly confeſs, that L. Saturninus was killed by the hand of C. Rabirius; nay, I would even proclaim and boaſt of it, as an action that merited rewards. But as there is no room for this, I will confeſs what indeed redounds leſs to his glory, but does not leſs anſwer the purpoſe of your accuſation. I confeſs that C. Rabirius took up arms, with intent to kill Saturninus. What ampler confeſſion would you have, Labienus? What heavier charge againſt Rabirius? Unleſs perhaps you think there is a difference between killing a man, and taking up arms with intent to kill him. If it was a crime to kill Saturninus, it could not but be criminal to take up arms againſt him; but if you allow the lawfulneſs of taking up arms, you muſt alſo allow that it was lawful to kill him.

SECT. VII. A decree paſſed in the ſenate, that the conſuls C. Marius, and L. Valerius, ſhould require the aſſiſtance of ſuch of the tribunes of the people and prætors as they thought proper, and take care that the empire and majeſty of the people of Rome was preſerved inviolate. They called to their aid all the tribunes except Saturninus, all the prætors except Glaucia; and publiſhed an edict, that every citizen who wiſhed well to his country, ſhould take up arms and follow them. All obey the ſummons, arms are diſtributed to the people, from the publick magazines and arſenals, by order of C. Marius the conſul. And here, not to mention other particulars, let me put the queſtion to you, Labienus; when on one ſide Saturninus had ſeized the capitol with an armed force, and was joined by C. Glaucia, C. Sauſeius, and that Gracchus who had

NOTES.

pretended to be the ſon of Gracchus. Valerius Maximus, lib. 9. cap. 7. ſays, *L. Equitium qui ſe T. Gracchi filium ſimulabat, tribunatumque adverſus leges cum L. Saturnino petebat, a C. Mario ſextum conſulatum gerente in publicam cuſtodiam ductum populus clauſtris carceris convulſis, raptum humeris ſuis, per ſummam animorum alacritatem portavit.* "L. Equitius, who pretended to be "the ſon of Tiberius Gracchus, and ſtood "for the tribuneſhip againſt all law with C. "Saturninus; being committed to publick "priſon in the ſixth conſulſhip of C. Marius, "was ſet at liberty by the people, who "broke open the bars of the priſon, ſnatched "him up upon their ſhoulders, and carried "him off with the greateſt extaſy of joy." Nay, ſo dear was the name of Tiberius Gracchus to the people of Rome, that they actually raiſed this impoſtor to the tribuneſhip. He was driven along with Saturninus into the capitol; but, as we learn from Appian, was not killed there.

chus: addam (quoniam ita vis) eodem Q. Labienum patruum tuum: in foro autem C. Marius, & L. Valerius Flaccus Coſſ. pòſt cunctus Senatus, atque ille Senatus, quem etiam vos ipſi, qui hos P. conſcriptos, qui nunc ſunt, in invidiam vocatis, quò faciliùs de hoc Senatu detrahere poſſitis, laudare conſueviſtis: cum equeſter ordo: at quorum equitum Roman. dii immortales! patruum noſtrorum atque ejus ætatis, quæ tum magnam partem reipub. atque omnem dignitatem judiciorum tenebat: cùm omnes omnium ordinum homines, qui in ſalute reipub. ſalutem ſuam repoſitam eſſe arbitrabantur, arma cepiſſent: quid tandem C. Rabirio faciendum fuit? De te ipſo, inquam, Labiene, quæro: cum ad arma Conſules ex S. C. vocaviſſent: cùm armatus (17.) M. Æmilius, princeps Senatûs, in comitio conſtitiſſet, qui, cùm ingredi vix poſſet, non ad inſequendum ſibi tarditatem pedum, ſed ad fugiendum impedimento fore putabat: cùm denique Q. Scævola confectus ſenectute, præpeditus morbo, mancus & membris omnibus captus ac debilis, haſtili nixus, & animi vim & infirmitatem corporis oſtenderet: cùm L. Metellus, Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria, Q. Catulus, omneſque qui tum erant Conſulares, pro ſalute communi arma cepiſſent; cùm omnes Prætores, cuncta nobilitas, ac juventus accurreret, Cn. & L. Domitius, L. Craſſus, Q. Mucius, C. Claudius, M. Druſus: cùm omnes Octavii, Metelli, Julii, Caſſii, Catones, Pompeii: cùm L. Philippus, L. Scipio, cùm M. Lepidus, cùm D. Brutus, cùm hic ipſe P. Servilius quo tu imperatore, Labiene, meruiſti; cùm hic Q. Catulus admodum tum adoleſcens, cùm hic C. Curio, cùm denique omnes clariſſimi viri cum Conſulibus eſſent: quid tandem C. Rabirium facere convenit? utrum incluſum atque abditum latere in occulto, atque ignaviam ſuam tenebrarum ac parietum cuſtodiis tegere? an in Capitolium pergere, atque ibi ſe cum tuo patruo & cæteris ad mortem propter vitæ turpitudinem confugientibus congregare? an cum Mario, Scauro, Catulo, Metello, Scævola, cum bonis denique omnibus coire non modò ſalutis, verumetiam periculi ſocietatem?

VIII. Tu denique, Labiene, quid faceres tali in re ac tempore? cùm ignaviæ ratio te in fugam, atque in latebras impelleret: improbitas & furor Lucii Saturnini in Capitolium arceſſeret: Conſules ad patriæ ſalutem ac libertatem vocarent: quam tandem auctoritatem,

NOTES.

(17.) *M. Æmilius princeps ſenatus.*] M. Æmilius Scaurus was by birth a patrician, but of a family which poverty had reduced very much. He raiſed himſelf to the firſt honours of the ſtate by his eloquence and perſonal merit. Cicero makes frequent mention of him in his writings, and celebrates particularly his ſteadineſs and ſolid judgment. When he ſaw a ſedition raiſed in the city by Saturninus, he exhorted Marius, then conſul for the ſixth time, to undertake the cauſe of the commonwealth; and though in an extreme old age, appeared armed, and leaning on his ſpear, before the door of the ſenate-houſe.

(18.)

had been drawn from irons and a goal; I will add, ſince you will have it ſo, Q. Labienus, your uncle: and on the other appeared in the forum C. Marius and L. Valerius Flaccus, the conſuls; behind them the whole body of the ſenate, that ſenate you were wont ſo much to extol, the better to detract from the authority of the preſent ſenate, which you endeavour to render odious: when the Equeſtrian order too, the ſame that flouriſhed in the time of our fathers, an age that allowed them ſo large a ſhare in the adminiſtration of affairs, and devolved upon them the whole weight of publick judgments: Immortal gods, what a body of Roman knights! in fine, when men of all ranks, who conſidered their own ſafety as connected with that of the ſtate, had taken up arms; what was C. Rabirius in ſuch a caſe to do? Tell me then, I ſay, Labienus; when the conſuls, in conſequence of a decree of the ſenate, had ordered the people to arms: when M. Aemilius, prince of the ſenate, appeared armed in the place of aſſembly, and though ſcarce able to walk, much leſs to purſue, yet thought his gouty feet would at leaſt hinder his flying: when Q. Scævola, ſpent with age, diſeaſed, lame, feeble and crippled in all his limbs, leaning on a ſpear, diſcovered at once the firmneſs of his ſoul, and the weakneſs of his body: when L. Metellus, Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria, Q. Catulus, and all the conſular ſenators of that time, took up arms for the common ſafety: when all the prætors, all the nobility, and the whole youth of the city ran to join them, Cn. and L. Domitius, L. Craſſus, Q. Mucius, C. Claudius, M. Druſus: when all the Octavii, Metelli, Julii, Caſſii, Cato's, Pompey's: when L. Philippus, L. Scipio, M. Lepidus, D. Brutus, and P. Servilius himſelf, the general under whom you, Labienus, firſt began the trade of war: when Q. Catulus, who was then but very young; when C. Curio; in ſhort, when all the moſt eminent of the city flocked to the conſuls: what, I ſay, did it then become C. Rabirius to do? Was he to lurk and ſhut himſelf up in private, covering his cowardice with darkneſs and behind walls; or repair to the capitol, and there aſſociate himſelf with your uncle and his followers, whom the infamy of their lives drove to ſeek ſhelter in death; or join Marius, Scaurus, Catulus, Metellus, Scævola, in ſhort, all the honeſt party, ſharing with them not only in the means of preſervation, but alſo in the hazard of reſiſtance?

SECT. VIII. And here let me aſk you, Labienus, how would you have behaved at ſuch a time, and in ſuch a juncture? When a motive of cowardice prompted you to ſkulk and fly; when the profligate fury of Saturninus invited you to the capitol; when, in fine, the conſuls called you to arm in defence of liberty and your country;

tem, quam vocem, cujus ſectam ſequi, cujus imperio parere potiſſimùm velles? Patruus, inquit, meus cum Saturnino fuit. Quid? pater quicum? quid? propinqui veſtri, Equites Romani? quid? omnis præfectura, regio, vicinitas veſtra? quid? ager Picenus univerſus, utrùm Tribunitium furorem, an Conſularem auctoritatem ſecutus eſt? Equidem hoc affirmo, quod tu nunc de tuo patruo prædicas, neminem unquam adhuc de ſeſe eſſe confeſſum; nemo eſt, inquam, inventus tam profligatus, tam perditus, tam ab omni non modò honeſtate, ſed etiam ſimulatione honeſtatis relictus, qui ſe in Capitolio fuiſſe cum Saturnino fateretur. At fuit veſter patruus, fuerit; & fuerit nullâ deſperatione rerum ſuarum, nullis domeſticis vulneribus coactus: induxerit eum L. Saturnini familiaritas, ut amicitiam patriæ præponeret: idcirco-ne oportuit C. Rabirium deſciſcere à republica? non comparere in illa armata multitudine bonorum? Conſulum voci atque imperio non obedire? Atqui videmus, hæc in rerum natura tria fuiſſe, ut aut cum Saturnino eſſet, aut cum bonis, aut lateret. Latere mortis erat inſtar turpiſſimæ: cum Saturnino eſſe, furoris & ſceleris: virtus & honeſtas, & pudor, cum Conſulibus eſſe cogebat. Hoc tu igitur in crimen vocas, quòd cum iis fuerit C. Rabirius, quos, amentiſſimus fuiſſet, ſi oppugnaſſet; turpiſſimus, ſi reliquiſſet?

IX. (18.) At C. Decianus, de quo tu ſæpe commemoras, quia, cùm hominem omnibus inſignem notis turpitudinis P. Furium accuſaret, ſummo ſtudio bonorum omnium, queri eſt auſus in concione de morte Saturnini, condemnatus eſt: & Sextus Titius quòd habuit imaginem L. Saturnini domi ſuæ, condemnatus eſt. Statuerunt Equites Romani illo judicio, improbum civem eſſe, & non retinendum in civitate, qui hominis hoſtilem in modum ſeditioſi imagine aut mortem ejus honeſtaret, aut deſideria imperitorum miſericordia commoveret, aut ſuam ſignificaret imitandæ improbitatis voluntatem. Itaque mihi mirum videtur, unde hanc tu, Labiene, imaginem, quam habes, inveneris; nam Sex. Titio damnato, qui iſtam habere auderet, inventus eſt nemo. Quod tu ſi audiſſes, aut ſi per ætatem ſcire potuiſſes, nunquam profectò iſtam imaginem, quæ domi poſita peſtem atque exſilium Sex. Titio attuliſſet, in roſtra,

NOTES.

(18.) *At C. Decianus——Sextus Titius.*] Cicero here intimates, that Labienus was more juſtly chargeable with treaſon than Rabirius; and adds proofs to ſupport the aſſertion. For Decianus was condemned for only bemoaning the fate of Saturninus, tho' he was at that time engaged in a proſecution extremely grateful to all good men. And Sextus Titius, a man of eloquence and penetration, as Cicero characterizes him; though otherwiſe innocent, and extremely popular by reaſon of the Agrarian law, was nevertheleſs condemned for having a picture of Saturninus in his houſe. What therefore might not Labienus expect, who had ventured to expoſe his picture in a publick aſſembly of the people?

(19.)

try; whose authority, whose voice, whose party, whose command, would have then weighed most with you? My uncle, you'll say, was with Saturninus. Right: But with whom was your father? Your friends too, the Roman knights, the whole præfecture, the neighbouring regions, with all the country of Picenum, did they follow the fury of the tribune, or the authority of the consul? This I will venture to affirm, that no man ever yet confessed of himself, what you scruple not to own publickly of your uncle. No one, I say, has been found so profligate, so lost to all sense of shame, so destitute not only of all honesty, but even of the appearance of honesty, as to confess his having been in the capitol with Saturninus. But your uncle was. 'Tis allowed; and that too without any constraint from domestick misfortunes, or the desperate state of his affairs. We shall allow that his regard for Saturninus induced him to prefer friendship to the love of his country. But was Rabirius therefore to abandon the commonwealth? to refuse appearing in arms with the honest party? to disobey the call and command of the consul? It is evident he had only one of three things to chuse: either to join Saturninus, associate with the honest party, or keep himself concealed. But to lie concealed was worse than the vilest death; to join Saturninus would have been the height of impiety and madness; virtue, honour, and a regard for his country, constrained him to follow the party of the consuls. And do you then object it to Rabirius as a crime, that he sided with those whom it would have been the utmost madness to oppose, and in the highest degree infamous to abandon?

SECT. IX. But C. Decianus, whom you so often mention, was condemned for presuming to complain of the death of Saturninus in an assembly of the Roman people; though at that very time, with the highest satisfaction to all good men, he was accusing P. Furius, a man branded with every mark of infamy: and Sextus Titius, for having a picture of him in his house, met with the same fate. The Roman knights by that judgment declared, that he was a bad citizen, and unworthy of the title, who honoured the memory of a seditious and rebellious tribune by having his picture, or endeavoured to raise the pity and regret of the thoughtless multitude, or discovered an inclination to imitate so profligate an example. I cannot therefore but wonder, Labienus, where you have procured that picture; for after the condemnation of Sextus Titius, no man dared to have one of them in his possession. But if you had ever heard of his fate, or been old enough to know the merits of that cause, you would never sure have produced in the rostra, and before an assembly of the Roman people, a picture that proved

roſtra, atque in concione attuliſſes, nec tuas unquam rationes ad eos ſcopulos appuliſſes, ad quos Sex. Titii afflictam navem, & in quibus C. Deciani naufragium fortunarum videres. Sed in his rebus omnibus imprudentiâ laberis: cauſam enim ſuſcepiſti antiquiorem memoriâ tuâ: quæ cauſa ante mortua eſt, quàm tu natus eſſes; qua in cauſa tute profectò fuiſſes, ſi per ætatem eſſe potuiſſes, eam cauſam in judicium vocas. An non intelligis, primùm quos homines, & quales viros mortuos ſummi ſceleris arguas? deinde quot ex iis qui vivunt, eodem crimine in ſummum capitis periculum arceſſas? Nam ſi C. Rabirius fraudem capitalem admiſit, quòd arma contra L. Saturninum tulit: huic quidem afferret aliquam deprecationem periculi ætas illa, qua tum fuit: Q. verò Catulum patrem hujus, in quo ſumma ſapientia, eximia virtus, ſingularis humanitas fuit; M. Scaurum, illâ gravitate, illo conſilio, illâ prudentiâ, duos Mucios, L. Craſſum, M. Antonium, qui tum extra urbem cum præſidio fuit; quorum in hac civitate longe maxima conſilia atque ingenia fuerunt; cæteros pari dignitate præditos, cuſtodes, gubernatoreſque reipub. quemadmodum mortuos defendemus? Quid de illis honeſtiſſimis viris, atque optimis civibus, equitibus Rom. dicemus, qui tum una cum Senatu ſalutem reipub. defenderunt? quid de Tribunis ærariis, cæterorumque ordinum omnium hominibus, qui tum arma pro communi libertate ceperunt?

X. Sed quid ego de iis omnibus, qui Conſulari imperio paruerunt, loquor? de ipſorum Coſſ. fama quid futurum eſt? L. Flaccum hominem cùm ſemper in repub. tum in Magiſtratibus gerendis, in ſacerdotio cæremoniiſque quibus præerat diligentiſſimum, nefarii ſceleris ac paricidii mortuum condemnabimus? adjungemus ad hanc labem ignominiamque mortis etiam C. Marii nomen? (19.) C. Marium, quem verè patrem patriæ, parentem, inquam, veſtræ libertatis atque hujuſce reip. poſſumus dicere, ſceleris ac parricidii nefarii mortuum condemnabimus? Etenim ſi C. Rabirio, quòd iit ad arma, crucem T. Labienus in campo Martio defigendam putavit: quod tandem excogitabitur in eum ſupplicium, qui vocavit? Ac, (20.) ſi

NOTES.

(19.) *C. Marium patrem patriæ.*] Cicero here calls Marius the father of his country, in conſideration of the many ſervices he did her; but eſpecially when he delivered her from the ruin wherewith ſhe was threatened, by the irruption of the Teutones and Cimbri. It does not however appear from hiſtory, that Marius was ſo fait a friend to his country, as the title here given him ſeems to imply. On the contrary, his boundleſs ambition, and deſire of engroſſing all commiſſions of importance, proved very fatal to his country, and occaſioned the civil war between him and Sylla, in which ſo much Roman blood was ſhed. But as Cicero here defends a man, who was attacked for taking up arms at Marius's command, it was natural for him to repreſent him in the faireſt light, and draw

ſo fatal to Sextus Titius; nor hazarded yourſelf among thoſe rocks where he periſhed, and where C. Decianus ſuffered a ſhipwreck of all his fortunes. But in all this you err through imprudence, having undertaken a cauſe too old for your memory, and that was dead before you was born; a cauſe, which though you now arraign, you would doubtleſs have embraced yourſelf, had you been old enough. Have you conſidered, in the firſt place, how many great and illuſtrious citizens you accuſe after their death of the moſt conſummate wickedneſs? Have you reflected upon the number of thoſe now living, whom by this accuſation you bring into capital danger? For if C. Rabirius has incurred the guilt of treaſon, by taking up arms againſt L. Saturninus, his tender age at that time will yet in ſome meaſure plead his excuſe: But how ſhall we be able to defend the memory of Q. Catulus, the father of him now preſent, a man of conſummate wiſdom, diſtinguiſhed virtue, and ſingular humanity; how that of the grave, judicious, and prudent, M. Scaurus; of the two Mucii, L. Craſſus, and M. Antony, who then lay encamped without the city; men of the firſt reputation in this ſtate for genius and abilities; and of many others of equal merit and dignity, the guardians and protectors of this commonwealth? What ſhall we ſay of thoſe honourable and worthy Roman knights, who jointly with the ſenate ſtood up for the common ſafety? What of the quæſtors, tribunes, and citizens of all ranks, who took up arms for the publick liberty?

SECT. X. But why do I ſpeak of thoſe who obeyed the order of the conſuls? What will become of the reputation of the conſuls themſelves? Shall we brand with the imputation of a monſtrous wickedneſs and parricide the name and memory of L. Flaccus, who in the ſervice of his country, in the exerciſe of publick offices, in the prieſthood, and in the ceremonies of religion over which he preſided, always approved himſelf the moſt indefatigable of men? Shall we ſtain likewiſe the reputation of the deceaſed Marius with the ſame ignominious reproach? Shall we, I ſay, brand with the imputation of a monſtrous villainy and parricide the memory of C. Marius, whom we may truly ſtile the father of his country, and the parent of your liberty and this commonwealth? For if C. Rabirius, for taking up arms, was by Labienus deemed worthy of being nailed to a croſs in the field of Mars, what ſuitable puniſh-

NOTES.

draw a veil over his infirmities. Beſides, as Marius was of a Plebeian family, and declared himſelf the patron and protector of that order; his cauſe was always popular, and his memory ſtill dear to the multitude. (20.)

(20.) ſi fides Saturnino data eſt, quod abs te ſæpiſſimè dicitur; non eam C. Rabirius, ſed C. Marius dedit: idemque violavit, ſi in fide non ſtetit. Quæ fides, Labiene, quî potuit ſine Senatuſconſulto dari? adeo-ne hoſpes hujuſce urbis, adeo-ne ignarus es diſciplinæ, conſuetudiniſque noſtræ, ut hæc neſcias? ut peregrinari in aliena civitate; non in tua Magiſtratum gerere videare? (21.) Quid jam iſta C. Mario, inquit, nocere poſſunt, quoniam ſenſu & vitâ caret? Itane verò? tantis in laboribus C. Marius, periculiſque vixiſſet, ſi nihil longius, quàm vitæ termini poſtulabant, ſpe atque animo de ſe & gloria ſua cogitaſſet? At, credo, cum innumerabiles hoſtium copias in Italia fudiſſet, atque obſidione rempub. liberaſſet, omnia ſua ſecum una moritura arbitrabatur. Non eſt ita, Quirites; neque quiſquam noſtrûm in reipub. periculis cum laude ac virtute verſatur, quin ſpe poſteritatis fructuque ducatur. Itaque cùm multis aliis de cauſis, virorum bonorum mentes divinæ mihi, atque æternæ videntur eſſe, tum maximè quòd optimi & ſapientiſſimi cujuſque animus ita præſentit in poſterum, ut nihil, niſi ſempiternum ſpectare videatur. Quapropter equidem & C. Marii, & cæterorum virorum ſapientiſſimorum, ac fortiſſimorum civium mentes, quæ mihi videntur ex hominum vita ad deorum religionem & ſanctimoniam demigraſſe, teſtor, me pro illorum fama, gloria, memoria, non ſecus ac pro patriis fanis atque delubris propugnandum putare: ac, ſi pro illorum laude mihi arma capienda eſſent, non minus ſtrenuè caperem, quàm illa pro communi ſalute ceperunt. Etenim Quirites, exiguum nobis vitæ curriculum natura circumſcripſit, immenſum gloriæ.

XI. Quare ſi eos, qui jam de vita deceſſerunt, ornabimus; juſtiorem nobis mortis conditionem relinquemus. Sed ſi illos, Labiene, quos jam videre non poſſumus, negligis; ne his quidem, quos vides, conſuli putas oportere? neminem eſſe dico ex iis omnibus qui illo die Romæ fuerint, quem tu diem in judicium vocas, pubeſque tum fuerit, quin arma ceperit, quin Conſules ſecutus ſit; omnes ii, quorum tu ex ætate conjecturam facere potes, quid tum fecerint,

NOTES.

(20.) *Si fides Saturnino data eſt.*] Saturninus having retired to the capitol, Marius inveſted it, and the ſooner to compel him to a ſurrender, ordered the pipes that ſupplied it with water to be cut. This in a ſhort time obliged him to think of ſubmitting to the conſuls, who promiſed to protect him from violence, and procure him a fair trial. He was for this purpoſe confined in the ſenate-houſe, but the people forcibly breaking in, maſſacred him with all his aſſociates.

(21.) *Quid jam iſta.*] It began to be a prevailing notion at that time, that death was the utter annihilation of man, and that neither honour nor diſgrace reached beyond the grave. Cicero here declares himſelf an enemy to theſe principles, which were firſt publickly maintained by Epicurus, and found but too many favourers both among the Greeks and Romans.

puniſhment can be deviſed for thoſe, who commanded him to take up arms? And if the publick faith was plighted to Saturninus, as you frequently affirm; it was plighted, not by C. Rabirius, but by C. Marius; and to him the violation muſt be aſcribed, if any ſuch can be made appear. But how, Labienus, could the publick faith be plighted, without a decree of the ſenate? Are you ſo much a ſtranger to this city, ſo unacquainted with our laws and cuſtoms, as to be ignorant of the common practice in this reſpect? Sure one would take you for a ſojourner in ſome foreign ſtate, not a perſon bearing a magiſtracy in your own. But what harm, ſays he, can theſe reproaches do to C. Marius, who now ceaſes to live, and is no more? And is this in reality your way of thinking? Would C. Marius have lived in perpetual toils and dangers, if he had conceived no hopes concerning himſelf and his glory, beyond the limits of this life? When he defeated thoſe innumerable enemies in Italy, and ſaved the republick, did he imagine that every thing which related to him would die with him? No; it is not ſo, citizens; there is not one of us who exerts himſelf with praiſe and virtue in the dangers of the republick, but is induced to it by the expectation of a futurity. As the minds of men therefore ſeem to be divine and immortal for many other reaſons, ſo eſpecially for this, that in all the beſt and the wiſeſt there is ſo ſtrong a ſenſe of ſomething hereafter, that they ſeem to reliſh nothing but what is eternal. I appeal then to the ſouls of C. Marius, and of all thoſe wiſe and worthy citizens, who, from this life of man, are tranſlated to the honours and ſanctity of the gods; I call them, I ſay, to witneſs, that I think myſelf bound to fight for their fame, glory, and memory, with as much zeal, as for the altars and temples of my country; and if it were neceſſary to take arms in defence of their praiſe, I ſhould take them as ſtrenuouſly, as they themſelves did for the defence of our common ſafety. For nature has circumſcribed life within narrow limits, but propoſes to us a boundleſs race of glory.

SECT. XI. If then we honour thoſe who have lived before us, we leave a juſt claim to be honoured in our turn by poſterity. But if, Labienus, you are unconcerned about thoſe whom we can now behold no more; ought you not at leaſt to ſhew ſome regard to thoſe who are preſent before our eyes? I will venture to affirm, that of all thoſe in this aſſembly, who were at Rome on the day which you impeach, and of an age to bear a part in the tranſactions of it, there is not a man who did not take up arms, and follow the party of the conſuls. Yet all theſe, whoſe number you may compute from their ages, are capitally impeached by you in

fecerint, abs te rei capitis, C. Rabirii nomine citantur. At occidit Saturninum Rabirius; utinam feciſſet; non ſupplicium deprecarer, ſed præmium poſtularem. Etenim ſi Scævæ, ſervo Q. Crotonis, qui occidit L. Saturninum, libertas data eſt; quod Equiti Rom. præmium dari par fuiſſet? &, ſi C. Marius, quod fiſtulas, quibus aqua ſuppeditabatur Jovis Optimi Maximi templis ac ſedibus, præcidi imperarat, quod in clivo Capitolino improborum civium . . . . . *Deſunt, ut videtur, non pauca.*

ORA-

the perſon of C. Rabirius, for what they did that day. But Rabirius gave Saturninus the mortal blow. I wiſh he had: I ſhould then be ſoliciting a reward, not an exemption from puniſhment. For if Scæva, the ſlave of Q. Croto was rewarded with freedom for having killed Saturninus; what recompence might not a Roman knight expect? And if C. Marius, for ordering the pipes to be cut that ſupplied the temple of the great Jupiter with water, becauſe the capitol was in the hands of profligate citizens . . . . . *The reſt of this oration is loſt.*

ORATIO IV.

I. In L. CATILINAM *.

I. QUOUSQUE tandem abutêre, Catilina, patientia noſtra? quamdiu etiam furor iſte tuus nos eludet? quem ad finem ſeſe effrenata jactabit audacia? nihil-ne (1.) nocturnum præſidium palatii, nihil urbis vigiliæ, nihil timor populi, nihil conſenſus bonorum

NOTES.

* L. Sergius Catiline was of Patrician extraction, and had ſided with Sylla, during the civil wars between him and Marius. Upon the expiration of his prætorſhip, he was ſent to the government of Africa; and after his return, was accuſed of mal-adminiſtration by P. Clodius, under the conſulſhip of M. Emilius Lepidus, and L. Volcatius Tullus. It is commonly believed, that the deſign of the conſpiracy was formed about this time, three years before the oration Cicero here pronounces againſt it. Catiline, after his return from Africa, had ſued for the conſulſhip, but was rejected. The two following years he likewiſe ſtood candidate, but ſtill met with the ſame fate. It appears that he made a fourth attempt under the conſulſhip of Cicero, who made uſe of all his credit and authority to exclude him, in which he ſucceeded to his wiſh. After the picture Saluſt has drawn of Catiline, it were needleſs to attempt his character here; beſides that the four following orations will make the reader ſufficiently acquainted with it. This firſt ſpeech was pronounced in the ſenate, convened in the temple of Jupiter Stator, on the eighth of November, in the ſix hundred and ninth year of the city, and forty-fourth of Cicero's age. The occaſion of it was as follows: Catiline, and the other conſpirators, had met together in the houſe of one Marcus Lecca; where it was reſolved, that a general inſurrection ſhould be raiſed through Italy, the different parts of which were aſſigned to different leaders; that Catiline ſhould put himſelf at the head of the troops in Etruria; that Rome ſhould be fired in many places at once, and a maſſacre begun at the ſame time of the whole ſenate and all their enemies, of whom none were to be ſpared except the ſons of Pompey, who were to be kept as hoſtages of their peace and reconciliation with the father; that in the conſternation of the fire and maſſacre, Catiline ſhould be ready with his Tuſcan army to take the benefit of the publick confuſion, and make himſelf maſter of the city; where Lentulus in the mean while, as firſt in dignity, was to preſide in their general councils; Caſſius to manage the affair of firing it; Cethegus to direct the maſſacre. But the vigilance of Cicero being the chief obſtacle to all their hopes, Catiline was very deſirous to ſee him taken off before he left Rome; upon which two knights of the company undertook to kill him the next morning in his bed, in an early viſit on pretence of buſineſs. They were both of his acquaintance, and uſed to frequent his houſe; and knowing his cuſtom of giving free acceſs to all, made no doubt of being readily admitted, as C. Cornelius, one of the two, afterwards confeſſed. The meeting was no ſooner over, than Cicero had information of all that paſſed in it: for by the intrigues of a woman named Fulvia, he had gained over Curius her gallant, one of the conſpirators of

ORATION IV.

I. Againſt CATILINE.

SECT. I. HOW far, O Catiline, wilt thou abuſe our patience? How long ſhall thy frantick rage baffle the efforts of juſtice? To what height meaneſt thou to carry thy daring inſolence? Art thou nothing daunted by the nocturnal watch poſted

NOTES.

of ſenatorian rank, to ſend him a punctual account of all their deliberations. He preſently imparted his intelligence to ſome of the chiefs of the city, who were aſſembled that evening, as uſual, at his houſe, informing them not only of the deſign, but naming the men who were to execute it, and the very hour when they would be at his gate: all which fell out exactly as he foretold; for the two knights came before break of day, but had the mortification to find the houſe well guarded, and all admittance refuſed to them. Next day Cicero ſummoned the ſenate to the temple of Jupiter in the capitol, where it was not uſually held but in times of publick alarm. There had been ſeveral debates before this on the ſame ſubject of Catiline's treaſons, and his deſign of killing the conſul; and a decree had paſſed at the motion of Cicero, to offer a public reward to the firſt diſcoverer of the plot; if a ſlave, his liberty, and eight hundred pounds; if a citizen, his pardon, and ſixteen hundred. Yet Catiline, by a profound diſſimulation, and the conſtant profeſſions of his innocence, ſtill deceived many of all ranks; repreſenting the whole as the fiction of his enemy Cicero, and offering to give ſecurity for his behaviour, and to deliver himſelf to the cuſtody of any whom the ſenate would name; of M. Lepidus, of the prætor Metellus, or of Cicero himſelf: but none of them would receive him; and Cicero plainly told him, that he ſhould never think himſelf ſafe in the ſame houſe, when he was in danger by living in the ſame city with him. Yet he ſtill kept on the maſk, and had the confidence to come to this very meeting in the capitol; which ſo ſhocked the whole aſſembly, that none even of his acquaintance durſt venture to ſalute him; and the conſular Senators quitted that part of the houſe in which he ſate, and left the whole bench clear to him. Cicero was ſo provoked by his impudence, that inſtead of entering upon any buſineſs, as he deſigned, addreſſing himſelf directly to Catiline, he broke out into the preſent moſt ſevere invective againſt him; and with all the fire and force of an incenſed eloquence, laid open the whole courſe of his villainies, and the notoriety of his treaſons.

(1.) *Nocturnum præſidium palatii.*] The Romans had no ſtanding army at this time, nor any regular guards within the city: but on the diſcovery of this conſpiracy, they had placed a ſtrong garriſon in the *palatium*, which was the higheſt hill in Rome, and ſerved as a citadel. At the ſame time, they ordered ſeveral parties to patrole through the ſtreets, under the command of the Ædiles, and other inferior magiſtrates, to prevent the conſpirators ſetting fire to the city in the night.

rum omnium, nihil hic munitiſſimus habendi ſenatûs locus, nihil horum ora vultuſque moverunt? patere tua conſilia non ſentis? conſtrictam jam omnium horum conſcientia teneri conjurationem tuam non vides? quid proxima, quid ſuperiore nocte egeris, ubi fueris, quos convocaveris, quid conſilii ceperis, quem noſtrum ignorare arbitraris? O tempora! ô mores! Senatus hæc intelligit, conſul videt: hic tamen vivit; vivit? imo vero etiam in Senatum venit: fit publici conſilii particeps: notat, & deſignat oculis ad cædem unumquemque noſtrum. Nos autem viri fortes ſatisfacere reipublicæ videmur, ſi iſtius furorem ac tela vitemus. Ad mortem te, Catilina, duci juſſu conſulis jampridem oportebat: in te conferri peſtem iſtam, quam tu in nos omnes jamdiu machinaris. An vero vir ampliſſimus, P. Scipio, pontifex maximus, Tib. Gracchum mediocriter labefactantem ſtatum reipublicæ privatus interfecit: Catilinam verò orbem terræ cæde atque incendiis vaſtare cupientem nos conſules perferemus? nam illa nimis antiqua prætereo, (2.) quòd Q. Servilius Ahala Sp. Melium novis rebus ſtudentem manu ſua occidit. Fuit, fuit iſta quondam in hac republica virtus, ut viri fortes acrioribus ſuppliciis civem pernicioſum, quàm acerbiſſimum hoſtem coërcerent. (3.) Habemus enim ſenatuſconſultum in te, Catilina, vehemens & grave: non deeſt reipublicæ conſilium, neque auctoritas hujus ordinis: nos, nos, dico apertè, conſules deſumus.

II. Decrevit quondam Senatus, ut L. Opimius Coſ. videret, ne quid reſpublica detrimenti caperet: nox nulla interceſſit: interfectus eſt propter quaſdam ſeditionum ſuſpiciones C. Gracchus, clariſſimo patre natus, avis, Majoribus: occiſus eſt cum liberis (4.) M. Fulvius,

NOTES.

(2.) *Quod Q. Servilius Ahala Sp. Melium.*] When the city of Rome was afflicted with a great famine, Sp. Melius, a Roman knight, the richeſt man in the city, bought up great quantities of corn throughout all Tuſcany, and freely diſtributed it among the poorer citizens. This gained their affection, and encouraged Melius to aſpire to the ſovereign power. T. Quinctius Cincinnatus, being named dictator by the ſenate, to cruſh Melius, ſent his general of the horſe Q. Servilius Ahala, to ſummon him to appear at his tribunal, to anſwer the accuſations brought againſt him. Melius refuſing to come, and calling the mob to his aſſiſtance, Servilius ran him through the body, and thus ſtopt his ambitious deſigns. This happened in the three hundred and fourteenth year of Rome, which was three hundred and ſeventy-ſix years before Cicero's conſulſhip.

(3.) *Habemus enim ſenatuſconſultum in te, Catilina, vehemens et grave.*] The Roman conſuls had a very ſmall ſhare of the executive authority in their hands: they were obliged on every occaſion, to lay the affair before the ſenate, whoſe orders they were obliged to execute. But in extraordinary caſes, the ſenate made an act, that the conſuls ſhould take care that the commonwealth received no detriment: by which words they gave abſolute power to the conſuls to raiſe armies, and do whatever they thought proper for the publick intereſt, without having recourſe to the ſenate's advice. By this, they were in effect created dictators; ſo that Cicero had at this time ſufficient power to ſeize Catiline and his accomplices, and try them, without calling a ſenate: but he choſe not to exert his authority, to avoid the odium which might be caſt upon him, and for other reaſons, laid down in the ſequel of this oration.

(4.) *M. Fulvius, conſularis.*] This man, though formerly a conſul, joined with Caius Gracchus

to ſecure the Palatium? nothing by the city guards? nothing by the conſternation of the people? nothing by the union of all the wiſe and worthy citizens? nothing by the ſenate's aſſembling in this place of ſtrength? nothing by the looks and countenances of all here preſent? Seeſt thou not that all thy deſigns are brought to light? that the ſenators are thoroughly apprized of thy conſpiracy? that they are acquainted with thy laſt night's practices; with the practices of the night before; with the place of meeting, the company ſummoned together, and the meaſures concerted? Alas, for our degeneracy! alas for the depravity of the times! the ſenate is apprized of all this, the conſul beholds it; yet the traitor lives. Lives! did I ſay? he even comes into the ſenate; he ſhares in the publick deliberations; he marks us out with his eye for deſtruction. While we, bold in our country's cauſe, think we have ſufficienly diſcharged our duty to the ſtate, if we can but eſcape his rage and deadly darts. Long ſince, O Catiline, ought the conſul to have ordered thee for execution; and pointed upon thy own head that ruin thou haſt been long meditating againſt us all. Could that illuſtrious citizen Publius Scipio, ſovereign pontiff, but inveſted with no publick magiſtracy, kill Tiberius Gracchus for raiſing ſome ſlight commotions in the commonwealth; and ſhall we conſuls ſuffer Catiline to live, who aims at laying waſte the world with fire and ſword? I omit, as too remote, the example of Q. Servilius Ahala, who with his own hand ſlew Spurius Melius, for plotting a revolution in the ſtate. Such, ſuch was the virtue of this republick in former times, that her brave ſons puniſhed more ſeverely a factious citizen, than the moſt inveterate publick enemy. We have a weighty and vigorous decree of the ſenate againſt you, Catiline: the commonwealth wants not wiſdom, nor this houſe authority: but we, we the conſuls, I ſpeak it openly, are wanting in our duty.

SECT. II. A decree once paſſed in the ſenate, enjoining the conſul L. Opimius to take care that the commonwealth received no detriment. The very ſame day Caius Gracchus was killed for ſome ſlight ſuſpicions of treaſon, though deſcended of a father, grandfather, and anceſtors, all eminent for their ſervices to the ſtate. Marcus Fulvius too, a man of conſular dignity, with his children, under-

NOTES.

Gracchus in his attempt to divide the lands, and was named one of the three commiſſioners for that purpoſe. They went on for ſome time, carrying every thing before them in the aſſemblies of the people, in ſpite of the ſenate, and all the nobility. But one of the conſul's lictors being killed by ſome of the attendants of Gracchus, the ſenate gave Opimius full power to do as he thought beſt for the good of the ſtate. The conſul commanded all the nobility, with their clients, to appear in arms next morning in the forum, from whence he marched at their head to attack Gracchus and Fulvius, who had aſ-

ſembled

vius, conſularis. Simili ſenatuſconſulto, C. Mario & L. Valerio Coſſ. permiſſa eſt reſpub. num unum diem poſtea (5.) L. Saturninum tribunum pleb. & C. Servilium Prætorem mors ac reipub. pœna remorata eſt? At nos vigeſimum jam diem patimur hebeſcere aciem horum auctoritatis; habemus enim hujuſmodi ſenatuſconſultum, verumtamen incluſum in tabulis, tanquam gladium in vagina reconditum: quo ex ſenatuſconſulto confeſtim interfectum te eſſe, Catilina, convenit. Vivis, & vivis non ad deponendam, ſed ad confirmandam audaciam. Cupio, P. C. me eſſe clementem: cupio in tantis reipublicæ periculis non diſſolutum videri: ſed jam me ipſum inertiæ nequitiæque condemno. Caſtra ſunt in Italia contra rempubl. in Etruriæ faucibus collocata: creſcit in dies ſingulos hoſtium numerus: eorum autem imperatorem caſtrorum ducemque hoſtium intra mœnia, atque adeo in Senatu videmus, inteſtinam aliquam quotidie perniciem reipublicæ molientem. Si te jam, Catilina, comprehendi, ſi interfici juſſero, credo, erit verendum mihi, ne non hoc potius (6.) omnes boni ſerius à me, quàm quiſquam crudelius factum eſſe dicant. Verum ego hoc, quod jampridem factum eſſe oportuit, certa de cauſâ nondum adducor, ut faciam; tum denique interficiere, cùm jam nemo tam improbus, tam perditus, tam tui ſimilis inveniri poterit, qui id non jure factum eſſe fateatur. Quamdiu quiſquam erit, qui te defendere audeat, vives: & vives ita, ut nunc vivis, multis meis & firmis præſidiis obſeſſus, ne commovere te contra rempublicam poſſis; multorum te etiam oculi & aures non ſentientem, ſicut adhuc fecerunt, ſpeculabuntur atque cuſtodient.

III. Etenim quid eſt, Catilina, quod jam amplius exſpectes, ſi neque nox tenebris obſcurare cœtus nefarios, nec privata domus parietibus continere voces conjurationis tuæ poteſt? ſi illuſtrantur, ſi erumpunt omnia? muta jam iſtam mentem: mihi crede: obliviſcere cædis, atque incendiorum; teneris undique: luce ſunt clariora nobis tua conſilia omnia, quæ etiam mecum licet recognoſcas. Meminiſti-ne me ante diem XII. Kalend. Novemb, dicere in ſenatu, fore in armis certo die, qui dies futurus eſſet ante diem VI. Kal. Novembris, C. Manlium audaciæ ſatellitem atque adminiſtrum

NOTES.

ſembled ſeveral thouſands of the lower rank on the Aventine mount. The affair came to blows, and Gracchus, Fulvius, and his ſons were ſlain, with three thouſand of their followers, in the year of the city ſix hundred and thirty-one.

(5.) *L. Saturninum et C. Servilium prætorem.*] Theſe two having killed a ſenator in a tumult, were declared enemies by the ſenate, who commanded Marius to bring them to juſtice. The conſul, armed with dictatorial power, attacked them in the capitol, and obliged them to ſurrender, with all their followers; after which they were ſtoned to death by the mob, before they were brought to a trial, in the year ſix hundred and thirty-four.

(6.) *Omnes boni.*] By good men he means the ſincere lovers of their country, and ſuch as were anxious to prevent the miſchiefs, wherewith

underwent the ſame fate. By a like decree of the ſenate, the care of the commonwealth was committed to the conſuls C. Marius and L. Valerius. Was a ſingle day permitted to paſs, before L. Saturninus, tribune of the people, and C. Servilius the prætor, ſatisfied by their death the juſtice of their country. But we, for theſe twenty days, have ſuffered the authority of the ſenate to languiſh in our hands. For we too have a like decree, but it reſts among our records like a ſword in the ſcabbard; a decree, O Catiline, by which you ought to have ſuffered immediate death. Yet ſtill you live; nay more, you live, not to lay aſide, but to harden yourſelf in your audacious guilt. I could wiſh, conſcript fathers, to be merciful; I could wiſh too not to appear remiſs when my country is threatened with danger; but I now begin to reproach myſelf with negligence and want of courage. A camp is formed in Italy, upon the very borders of Etruria, againſt the commonwealth. The enemy increaſe daily in number. At the ſame time we behold their general and leader within our walls; nay, in the ſenate-houſe itſelf, plotting daily ſome inteſtine miſchief againſt the ſtate. Should I order you, Catiline, to be inſtantly ſeized and put to death; I have reaſon to believe, I ſhould rather be reproached with ſlowneſs than cruelty. But at preſent certain reaſons reſtrain me from this ſtep, which indeed ought to have been taken long ago. Thou ſhalt then ſuffer death, when not a man is to be found, ſo wicked, ſo deſperate, ſo like thyſelf, as not to own it was done juſtly. As long as there is one who dares to defend thee, thou ſhalt live; and live ſo as thou now doſt, ſurrounded by the numerous and powerful guards which I have placed about thee, ſo as not to ſuffer thee to ſtir a foot againſt the republick; whilſt the eyes and ears of many ſhall watch thee, as they have hitherto done, when thou little thoughteſt of it.

SECT. III. But what is it, Catiline, thou canſt now have in view, if neither the obſcurity of night can conceal thy traiterous aſſemblies, nor the walls of a private houſe prevent the voice of thy treaſon from reaching our ears? If all thy projects are diſcovered, and burſt into publick view? Quit then your deteſtable purpoſe, and think no more of maſſacres and conflagrations. You are beſet on all hands; your moſt ſecret counſels are clear as noon-day; as you may eaſily gather, from the detail I am now to give you. You may remember that on the nineteenth of October laſt, I ſaid publickly in the ſenate, that before the twenty-fifth of the ſame month,

C.

NOTES.

wherewith it was threatened. The meaning therefore is, that ſhould he order him to be put to death, no ſincere lovers of his country would charge him with cruelty, but rather think he ought to have done it ſooner.

niſtrum tuæ? (7.) num me fefellit, Catilina, non modò res tantâ, tam atrox, tam incredibilis, verum id quod multo magis eſt admirandum, dies? Dixi ego idem in Senatu, cædem te optimatum contuliſſe in ante diem v. Kal. Novembris, tum, cum multi principes civitatis Româ, non tam ſui conſervandi, quam tuorum conſiliorum reprimendorum cauſâ, profugerunt. Num inficiari potes, te illo ipſo die meis præſidiis, mea diligentia circumcluſum, commovere te contra rempublicam non potuiſſe, cum tu diſceſſu cæterorum, noſtra tamen, qui remanſiſſemus, cæde contentum te eſſe dicebas. Quid? cùm te Prænesté Kalend. ipſis Novemb. occupaturum nocturno impetu eſſe confideres; ſenſiſti-ne illam coloniam meo juſſu, meis præſidiis, cuſtodiis, virgiliiſque eſſe munitam? nihil agis, nihil moliris, nihil cogitas, quod ego non modo non audiam, ſed etiam non videam, planeque ſentiam.

IV. Recognoſce tandem mecum illam ſuperiorem noctem; jam intelliges multo me vigilare acrius ad ſalutem, quàm te ad perniciem reipublicæ. Dico te priori nocte veniſſe (8.) inter Falcarios (non agam obſcurè) in M. Leccæ domum: conveniſſe eodem complures ejuſdem amentiæ ſceleriſque ſocios; num negare audes? quid taces? convincam, ſi negas; video enim eſſe hîc in Senatu quoſdam, qui tecum una fuere. O dii immortales! ubinam gentium ſumus? quam rempub. habemus? in qua urbe vivimus? hic, hîc ſunt, in noſtro numero, P. C. in hoc orbis terræ ſanctiſſimo graviſſimoque conſilio, qui de meo, noſtrumque omnium interitu, qui de hujus urbis, atque adeo orbis terrarum exitio cogitent; hoſce ego video Conſul, & de rep. ſententiam rogo: & quos ferro trucidari oportebat, eos nondum voce vulnero. Fuiſti igitur apud Leccam ea nocte Catilina: diſtribuiſti partes Italiæ: ſtatuiſti quo quemque proficiſci placeret: delegiſti quos Romæ relinqueres, quos tecum educeres: deſcripſiſti urbis partes ad incendia: confirmaſti, te ipſum jam eſſe exiturum: dixiſti paullulum tibi eſſe etiam tum moræ, quòd ego viverem. (9.) Reperti ſunt duo equites Romani, qui

NOTES.

(7.) *Num me fefellit.*] Cicero here intimates, that he was perfectly acquainted with all Catiline's deſigns; and we learn from Saluſt, that he had his intelligence from Fulvia, with whom Curius, a conſpirator of ſenatorian rank, had an intrigue; and to whom he diſcloſed all the counſels of the conſpiracy.

(8.) *Inter Falcarios.*] This is by ſome tranſlated the ſtreet of reapers; by others, the ſtreet of armourers: for *veniſſe inter Falcarios*, denotes the ſame, as *veniſſe in locum ubi ſunt Falcarii*; and the word may be interpreted either way.

(9.) *Reperti ſunt duo equites Romani.*] Authors differ much as to the names of theſe two knights. Saluſt mentions C. Cornelius a Roman knight, and L. Vargunteius a ſenator; in which he diſagrees with Cicero, who ſays they were both knights. Plutarch names them Marcius and Cethegus. But in this he muſt certainly have been miſtaken, ſince Cicero elſewhere expreſly affirms, that Cornelius was one of them. It is true, Cornelius was a name alſo belonging to Cethegus; but it is evident that the C. Cornelius here ſpoken of, was a quite different perſon from C. Cornelius Cethegus. For Cethegus was

C. Manlius, the confederate and creature of your guilt, would appear in arms. Was I deceived, Catiline, I ſay not as to this enormous, this deteſtable, this improbable attempt; but, which is ſtill more ſurprizing, as to the very day on which it happened? I ſaid likewiſe, in the ſenate, that you had fixed the twenty-ſixth of the ſame month for the maſſacre of our nobles, which induced many citizens of the firſt rank to retire from Rome, not ſo much on account of their own preſervation, as with a view to baffle your deſigns. Can you deny, that on that very ſame day you was ſo beſet by my vigilance, and the guards I placed about you, that you found it impoſſible to attempt any thing againſt the ſtate; though you had given out, after the departure of the reſt, that you would nevertheleſs content yourſelf with the blood of thoſe who remained? Nay, when on the firſt of November, you confidently hoped to ſurprize Prænesſte by night; did you not find that colony ſecured by my orders, and the guards, officers, and garriſon I had appointed? There is nothing you either think, contrive, or attempt, but what I both hear, ſee, and plainly underſtand.

SECT. IV. Call to mind only, in conjunction with me, the tranſactions of laſt night. You will ſoon perceive, that I am much more active in watching over the preſervation, than you in plotting the deſtruction of the ſtate. I ſay then, and ſay it openly, that laſt night you went to the houſe of M. Lecca, in the ſtreet called the Gladiators: that you was met there by numbers of your aſſociates in guilt and madneſs. Dare you deny this? Why are you ſilent? If you diſown the charge, I will prove it: for I ſee ſome in this very aſſembly, who were of your confederacy. Immortal gods! what country do we inhabit? what city do we belong to? what government do we live under? Here, here, conſcript fathers, within theſe walls, and in this aſſembly, the moſt awful and venerable upon earth, there are men who meditate my ruin and yours, the deſtruction of this city, and conſequently of the world itſelf. Myſelf, your conſul, behold theſe men, and aſk their opinions on publick affairs; and inſtead of dooming them to immediate execution, do not ſo much as wound them with my tongue. You went then that night, Catiline, to the houſe of Lecca; you cantoned out all Italy; you appointed the place to which every one was to repair; you ſingled out thoſe who were to be left at Rome, and thoſe who were to accompany you in perſon; you marked out the parts of the city deſtined to conflagration; you declared your purpoſe of leaving

NOTES.

was ſtrangled in priſon, but this Cornelius was alive at the time when Cicero defended P. Sylla. And here, as it is ſometimes of great importance to detect the errors of learned

qui te iſta cura liberarent, & ſeſe illa ipſa nocte paulo ante lucem me in meo lectulo interfecturos pollicerentur. Hæc ego omnia, vix dum etiam cætu veſtro dimiſſo, comperi: domum meam majoribus præſidiis munivi, atque firmavi; excluſi eos, quos tu mane ad me ſalutatum miſeras, cum illi ipſi veniſſent, quos ego jam multis viris ad me venturos id temporis eſſe prædixeram.

V. Quæ (10.) cum ita ſint, Catilina, perge quo cœpiſti: egredere aliquando ex urbe: patent portæ, proficiſcere: nimium diu te imperatorem illa tua Manliana caſtra deſiderant; educ tecum etiam omnes tuos; ſi minus, quamplurimos: purga urbem: magno me metu liberabis, dummodo inter me atque te murus interſit: nobiſcum verſari jam diutius non potes: non feram, non patiar, non ſinam. Magna diis immortalibus habenda eſt gratia, atque huic ipſi Jovi Statori, antiquiſſimo cuſtodi hujus urbis, quod hanc tam tetram, tam horribilem, tamque infeſtam reipublicæ peſtem toties jam effugimus. Non eſt ſæpius in uno homine ſalus ſumma periclitanda reipublicæ. Quamdiu mihi, Conſuli deſignato, Catilina, inſidiatus es, non publico me præſidio, ſed privatâ diligentiâ defendi; cum proximis Comitiis Conſularibus me Conſulem in campo, & competitores tuos interficere voluiſti, compreſſi tuos nefarios conatus amicorum præſidio & copiis, nullo tumultu publicè concitato: denique quotieſcumque me petiſti, per me tibi obſtiti: quamquam videbam, perniciem meam cum magna calamitate reipublicæ eſſe conjunctam. Nunc jam apertè rempublicam univerſam petis; templa deorum immortalium, tecta urbis, vitam omnium civium, Italiam denique totam, ad exitium & vaſtitatem vocas. Quare quoniam id, quod primum, atque hujus imperii, diſciplinæque Majorum proprium eſt, facere non audeo; faciam id quod eſt ad ſeveritatem lenius, & ad communem ſalutem utilius; nam ſi te interfici juſſero, reſidebit in republica reliqua conjuratorum manus: ſin tu, quod te jamdudum hortor, exieris; exhaurietur ex urbe tuorum comitum magna &

NOTES.

learned men, to prevent others from falling into the ſame miſtakes, I cannot forbear obſerving, that Appian, in his account of this tranſaction, has committed three unpardonable blunders. Firſt, he tells us, that this reſolution was not taken, till after Catiline had left the city. Secondly, he makes the two perſons who undertook to kill Cicero, to be P. Lentulus, and C. Cethegus. But Cicero ſurely would never have called them two Roman knights, had Lentulus, at that time prætor, been one of them. The third error committed by Appian is, in ſaying that Cethegus was prætor; according to which both the aſſaſſins muſt have been of ſenatorian rank. But it is apparent, that Cethegus was not prætor at this time, otherwiſe the formality obſerved with reſpect to Lentulus, of obliging him to abdicate that magiſtracy, before he was put to death, would likewiſe have been practiſed in the caſe of Cethegus. But this we no where read of, nor was it, I believe, ever ſuggeſted by any but the above-mentioned writer.

(10.) *Quæ cum ita ſint.*] The force of the argument lies in this, that as all his counſels and treaſonable deſigns were diſcovered, it was to no purpoſe for him to continue longer in the city, where he muſt neceſſarily expect to ſee all his meaſures defeated

leaving it ſoon, and ſaid you only waited a little to ſee me taken off. Two Roman knights undertook to eaſe you of that care, and aſſaſſinate me the ſame night in bed before day-break. Scarce was your aſſembly diſmiſſed, when I was informed of all this: I ordered an additional guard to attend, to ſecure my houſe from aſſault; I refuſed admittance to thoſe whom you ſent to compliment me in the morning; and declared to many worthy perſons beforehand, who they were, and at what time I expected them.

SECT. V. Since then, Catiline, ſuch is the ſtate of your affairs, finiſh what you have begun; quit the city; the gates are open; nobody oppoſes your retreat. The troops in Manlius's camp long to put themſelves under your command. Carry with you all your confederates; if not all, at leaſt as many as poſſible. Purge the city. It will take greatly from my fears, to be divided from you by a wall. You cannot pretend to ſtay any longer with us: I will not bear, will not ſuffer, will not allow of it. Great thanks are due to the immortal gods, and chiefly to thee Jupiter Stator, the ancient protector of this city, for having already ſo often preſerved us from this dangerous, this deſtructive, this peſtilent ſcourge of his country. The ſupreme ſafety of the commonwealth ought not to be again and again expoſed to danger for the ſake of a ſingle man. While I was only conſul elect, Catiline, I contented myſelf with guarding againſt your many plots, not by a publick guard, but by my private vigilance. When at the laſt election of conſuls, you had reſolved to aſſaſſinate me, and your competitors, in the field of Mars, I defeated your wicked purpoſe by the aid of my friends, without diſturbing the publick peace. In a word, as often as you attempted my life, I ſingly oppoſed your fury; tho' I well ſaw, that my death would neceſſarily be attended with many ſignal calamities to the ſtate. But now you openly ſtrike at the very being of the republick. The temples of the immortal gods, the manſions of Rome, the lives of her citizens, and all the provinces of Italy, are doomed to ſlaughter and devaſtation. Since therefore I dare not purſue that courſe, which is moſt agreeable to ancient diſcipline, and the genius of the commonwealth; I will follow another, leſs ſevere indeed as to the criminal, but more uſeful in its conſequences to the publick. For ſhould I order you to be immediately put to death, the commonwealth would ſtill harbour in its boſom the other conſpirators; but by driving you from the city, I ſhall clear Rome

NOTES.

feated. The beſt courſe therefore he could take, both for his own ſafety, and to give vigour to his other deſigns, was to leave the city, where his preſence could no longer be of any ſervice. Cicero, in this whole expoſtulation, makes uſe of ſhort, abrupt, and imperfect ſentences; a language peculiarly adapted to inſpire terror, and give force to command.

(11.)

& pernicioſa ſentina reipublicæ. Quid eſt, Catilina? num dubitas id, me imperante, facere, quod jam tuâ ſponte faciebas? exire ex urbe Conſul hoſtem jubet; interrogas me, num in exſilium? non jubeo: ſed, ſi me conſulis, ſuadeo.

VI. (11.) Quid enim, Catilina, eſt, quod te jam in hac urbe delectare poſſit, in qua nemo eſt extra iſtam conjurationem perditorum hominum, qui te non metuat, nemo qui te non oderit? quæ nota domeſticæ turpitudinis non inuſta vitæ tuæ eſt? quod privatarum rerum dedecus non hæret infamiæ? quæ libido ab oculis, quod facinus à manibus unquam tuis, quod flagitium à toto corpore abfuit? cui tu adoleſcentulo, quem corruptelarum illecebris irretiviſſes, non aut ad audaciam ferrum, aut ad libidinem facem prætuliſti? quid verò? nuper, cum morte ſuperioris uxoris, novis nuptiis domum vacuam feciſſes, non-ne etiam alio incredibili ſcelere hoc ſcelus cumulaſti? quod ego prætermitto, & facile patior fileri, ne in hac civitate tanti facinoris immanitas aut exſtitiſſe, aut non vindicata eſſe videatur. Prætermitto ruinas fortunarum tuarum, quas omnes impendere tibi proximis Idibus ſenties; ad illa venio, quæ non ad privatam ignominiam vitiorum tuorum, non ad domeſticam tuam difficultatem ac turpitudinem; ſed ad ſummam Rempub, atque ad omnium noſtrûm vitam ſalutemque pertinent. Poteſt-ne tibi hæc lux, Catilina, aut hujus cœli ſpiritus eſſe jucundus, cùm ſcias horum eſſe neminem, qui neſciat te (12) pridie Kalendas Januar. Lepido & Tullo Coſſ. ſtetiſſe in Comitio cum telo? manum, Conſulum & principum civitatis interficiendorum cauſâ, paraviſſe? ſceleri, ac furori tuo non mentem aliquam, aut timorem tuum, ſed fortunam Reipublicæ obſtitiſſe? Ac jam illa omitto: neque enim ſunt aut obſcura, aut non multa poſtea commiſſa; quoties tu me deſignatum, quoties Conſulem interficere conatus es? quot ego tuas petitiones ita

NOTES.

(11.) *Quid enim, Catilina.*] He here lays aſide the character of conſul, and aſſumes that of a friend and adviſer; that what he afterwards ſays may not appear the reſult of hatred, but to flow from a compaſſion for Catiline. He therefore counſels him to leave the city, as he could no longer hope for any real enjoyment of life in a place, where he hated every body, and was himſelf hated by all; where he was continually encountering objects that excited his envy; where he was overwhelmed with an inſurmountable load of debt; and where all his treaſonable deſigns againſt the commonwealth were fully known. Yet this ſeeming friendly admonition contains at the ſame time a very bitter invective againſt Catiline.

(12.) *Pridie calendas Januarias.*] In the conſulſhip of M. Emilius Lepidus, and L. Volcatius Tullus, P. Autronius, and P. Cornelius Sylla, were elected conſuls for the year enſuing; but being convicted of bribery, they were depoſed, and L. Aurelius Cotta, with L. Manlius Torquatus, choſen in their ſtead. Catiline, who had been convicted of extortion upon an accuſation of P. Clodius, and forbid to ſtand candidate for the conſulſhip; fired with indignation at the affront he had received, entered into a conſpiracy with Autronius, Sylla, and ſeveral others of the nobility, to murder the conſuls on the laſt day of December, re-inſtate thoſe that had been deprived, and aſſume the government of the commonwealth. But Craſſus, on

at once of the whole baneful tribe of thy accomplices. How, Catiline? Do you heſitate to do at my command, what you was ſo lately about to do of your own accord? The conſul orders a publick enemy to depart the city. You aſk whether this be a real baniſhment? I ſay not expreſly ſo: but was I to adviſe in the caſe, 'tis the beſt courſe you can take.

SECT. VI. For what is there, Catiline, that can now give you pleaſure in this city? wherein, if we except the profligate crew of your accomplices, there is not a man but dreads and abhors you? Is there a domeſtick ſtain from which your character is exempted? Have you not rendered yourſelf infamous by every vice that can brand private life? What ſcenes of luſt have not your eyes beheld, what guilt has not ſtained your hands, what pollution has not defiled your whole body? What youth, entangled by thee in the allurements of debauchery, haſt thou not prompted by arms to deeds of violence, or ſeduced by incentives into the ſnares of ſenſuality? And lately, when by procuring the death of your former wife, you had made room in your houſe for another, did you not add to the enormity of that crime, by a new and unparalleled meaſure of guilt? But I paſs over this, and chuſe to let it remain in ſilence, that the memory of ſo monſtrous a piece of wickedneſs, or at leaſt of its having been committed with impunity, may not deſcend to poſterity. I paſs over too the entire ruin of your fortunes, which you are ſenſible muſt befal you the very next month; and ſhall proceed to the mention of ſuch particulars, as regard not the infamy of your private character, nor the diſtreſſes and turpitude of your domeſtick life; but ſuch as concern the very being of the republick, and the lives and ſafety of us all. Can the light of life, or the air you breathe, be grateful to you, Catiline; when you are conſcious there is not a man here preſent but knows, that on the laſt of December, in the conſulſhip of Lepidus and Tullus, you appeared in the Comitium with a dagger? That you had got together a band of ruffians, to aſſaſſinate the conſuls, and the moſt conſiderable men in Rome? and that this execrable and frantick deſign was defeated, not by any awe or remorſe in you, but by the prevailing good fortune of the people of Rome. But I paſs over thoſe things, as being already well known: there are others of a later date. How many attempts have you made upon my life, ſince I was nominated conſul, and ſince I entered upon the actual execution of that office?

NOTES.

one of the conſpirators, not coming to the aſſembly of the people that day, and Julius Cæſar, who was likewiſe in the plot, not thinking proper to give the ſignal agreed upon, of letting his robe drop from his ſhoulder, the affair was put off to the fifth of February; when again the project failed, thro' the too great eagerneſs of Catiline, who gave the ſignal before all the conſpirators were aſſembled.

ita conjectas, ut vitari poſſe non viderentur, parvâ quadam declinatione, &, ut aiunt, corpore effugi? nihil agis, nihil aſſequeris, nihil moliris, quod mihi latere valeat in tempore: neque tamen conari ac velle deſiſtis. Quoties jam tibi extorta eſt ſica iſta de manibus? quoties verò excidit caſu aliquo, & elapſa eſt? tamen ea carere diutiùs non potes: quæ quidem quibus abs te initiata ſacris ac devota ſit, neſcio, quod eam neceſſe putas Conſulis in corpore defigere.

VII. Nunc verò, quæ tua eſt iſta vita? ſic enim jam tecum loquar, non ut odio permotus eſſe videar, quo debeo; ſed ut miſericordia, quæ tibi nulla debetur. Veniſti paulò antè in Senatum; quis te ex hac tanta frequentia, ex tot tuis amicis ac neceſſariis ſaluſtavit? ſi hoc poſt hominum memoriam contigit nemini, vocis expectas contumeliam, cùm ſis graviſſimo judicio taciturnitatis oppreſſus? Quid, quòd adventu tuo iſta ſubſellia vacua facta ſunt? quid, quod omnes conſulares, qui tibi perſæpe ad cædem conſtituti fuerunt, ſimulatque aſſediſti, partem iſtam ſubſelliorum nudam, atque inanem reliquerunt? Quo tandem animo hoc tibi ferendum putas? ſervi, mehercle, mei, ſi me iſto pacto metuerent, ut te metuunt omnes cives tui, domum meam relinquendam putarem: tu tibi urbem non arbitraris? &, ſi me meis civibus injuriâ ſuſpectum tam graviter atque infenſum viderem; carere me aſpectu civium, quam infeſtis oculis omnium conſpici mallem: tu cùm conſcientia ſcelerum tuorum agnoſcas odium omnium juſtum, & jam tibi diu debitum, dubitas, quorum mentes, ſenſuſque vulneras, eorum aſpectum præſentiamque vitare? Si te parentes timerent, atque odiſſent tui, neque eos ullâ ratione placare poſſes; ut opinor, ab eorum oculis aliquo concederes: nunc te patria, quæ communis eſt omnium noſtrûm parens, odit ac metuit; & jamdiu de te nihil judicat, niſi de parricidio ſuo, cogitare: hujus tu neque auctoritatem verebere, neque judicium ſequere, neque vim pertimeſces? quæ tecum, Catilina, ſic agit, & quodammodo tacita loquitur: Nullum jam tot annos facinus exſtitit, niſi per te: nullum flagitium ſine te: tibi uni multorum civium neces, tibi vexatio direptioque ſociorum impunita fuit, ac libera: (13.) tu non ſolùm ad negligendas leges & queſtiones, verum

NOTES.

(13.) *Tu non ſolum ad negligendas leges—verum etiam ad evertendas.*] He may be ſaid to neglect the laws, who acts directly contrary to them, and is not awed by the puniſhment wherewith they threaten offenders. Again, we may conſider him as an overthrower of the laws, who, tho' manifeſtly convicted of breaking them, yet by his credit and addreſs, finds means to ſnatch himſelf from the hands of juſtice. Catiline was twice accuſed, and the proofs were very flagrant; yet both times he had the addreſs to eſcape puniſhment.

(14.)

office? How many thruſts of thine, ſo well aimed that they ſeemed unavoidable, have I parried by an artful evaſion, and, as they term it, a gentle deflection of body? You attempt, you contrive, you ſet on foot nothing, of which I have not timely information? Yet you ceaſe not to concert, and enterprize. How often has that dagger been wreſted out of thy hands? How often, by ſome accident, has it dropped before the moment of execution? yet you cannot reſolve to lay it aſide. How, or with what rites you have conſecrated it, is hard to ſay, that you think yourſelf thus obliged to lodge it in the boſom of a conſul?

SECT. VII. What are we to think of your preſent ſituation and conduct? For I will now addreſs you, not with the deteſtation your actions deſerve, but with a compaſſion to which you have no juſt claim. You came ſome time ago into the ſenate. Did a ſingle perſon of this numerous aſſembly, not excepting your moſt intimate relations and friends, deign to ſalute you? If there be no inſtance of this kind in the memory of man, do you expect that I ſhould embitter with reproaches, a doom confirmed by the ſilent deteſtation of all preſent. Were not the benches where you ſit forſaken, as ſoon as you was obſerved to approach them? Did not all the conſular ſenators, whoſe deſtruction you have ſo often plotted, quit immediately the part of the houſe where you thought proper to place yourſelf? How are you able to bear all this treatment? For my own part, were my ſlaves to diſcover ſuch a dread of me, as your fellow-citizens expreſs of you; I ſhould think it neceſſary to abandon my own houſe: And do you heſitate about leaving the city? Was I even wrongfully ſuſpected, and thereby rendered obnoxious to my countrymen; I would ſooner withdraw myſelf from publick view, than be beheld with looks full of reproach and indignation. And do you, whoſe conſcience tells you that you are the object of an univerſal, a juſt, and a long-merited hatred, delay a moment to eſcape from the looks and preſence of a people, whoſe eyes and ſenſes can no longer endure you among them? Should your parents dread and hate you, and be obſtinate to all your endeavours to appeaſe them, you would doubtleſs withdraw ſomewhere from their ſight. But now your country, the common parent of us all, hates and dreads you, and has long regarded you as a parricide, intent upon the deſign of deſtroying her. And will you neither reſpect her authority, ſubmit to her advice, nor ſtand in awe of her power? Thus does ſhe reaſon with you, Catiline; and thus does ſhe, in ſome meaſure, addreſs you by her ſilence: not an enormity has happened theſe many years, but has had thee for its author: not a crime has been perpetrated without thee: the murder of ſo many of our citizens, the oppreſſion and plunder of our allies,

rum etiam ad evertendas, perfringendaſque valuiſti. Superiora illa, quamquàm ferenda non fuerunt, tamen, ut potui, tuli: nunc verò, me totam eſſe in metu propter te unum: quidquid increpuerit, Catilinam timeri: nullum videri contra me conſilium iniri poſſe, quod à tuo ſcelere abhorreat, non eſt ferendum. Quamobrem diſcede, atque hunc mihi timorem eripe: ſi eſt verus, ne opprimar; ſin falſus, ut tandem aliquando timere deſinam.

VIII. Hæc ſi tecum, ut dixi, patria loquatur, nonne impetrare debeat, etiamſi vim adhibere non poſſit? Quid, quòd tu te ipſe in cuſtodiam dediſti? quid, quòd vitandæ ſuſpicionis cauſâ, apud M. Lepidum te habitare velle dixiſti? à quo non receptus, etiam ad me venire auſus es; atque ut domi meæ te aſſervarem rogaſti. Cùm à me quoque id reſponſum tuliſſes, me nullo modo poſſe iiſdem parietibus tuto eſſe tecum, qui magno in periculo eſſem, quod iiſdem mœnibus contineremur; ad Q. Metellum Prætorem veniſti: â quo repudiatus, ad ſodalem tuum, virum optimum, M. Marcellum, demigraſti: quem tu videlicet & ad cuſtodiendum te diligentiſſimum, & ad ſuſpicandum ſagaciſſimum, & ad vindicandum fortiſſimum fore putaſti. Sed quàm longè videtur à carcere atque à vinculis abeſſe debere, qui ſeipſum jam dignum cuſtodia judicaverit? Quæ cùm ita ſint, Catilina; dubitas, ſi hic emori æquo animo non potes, abire in aliquas terras, & vitam iſtam multis ſuppliciis juſtis debitiſque ereptam, fugæ ſolitudinique mandare? Refer, inquis, ad Senatum (id enim poſtulas) &, ſi hic ordo ſibi placere decreverit, te ire in exilium, obtemperaturum te eſſe dicis. Non referam id quod (14.) abhorret à meis moribus: & tamen faciam, ut intelligas quid hi de te ſentiant. Egredere ex urbe, Catilina, libera rempub. metu: in exſilium, ſi hanc vocem exſpectas, proficiſcere. Quid eſt, Catilina? ecquid attendis? ecquid animadvertis horum ſilentium? patiuntur: tacent; quid exſpectas auctoritatem loquentium, quorum voluntatem tacitorum perſpicis? At ſi hoc idem huic adoleſcenti optimo, P. Sextio, ſi fortiſſimo viro M. Marcello dixiſſem, jam mihi conſuli hoc ipſo in templo, jure optimo, Senatus vim & manus intuliſſet; de te autem, Catilina, cum quieſcunt, probant: cum patiuntur, decernunt: cum tacent, clamant; neque hi ſolùm, quorum

NOTES.

(14.) *Abhorret a meis moribus.*] As Cicero was by his nature extremely averſe to every thing that looked like ſeverity and cruelty, he induſtriouſly avoided bringing the matter before the ſenate, by whom he foreſaw Catiline could not fail of being condemned. For tho' no ſentence could exceed the meaſure of his crimes, yet our orator choſe rather to drive him from the city, as a courſe that would draw leſs odium upon himſelf, and yet prove equally fatal to the conſpiracy.

(15.)

has through thee alone eſcaped puniſhment, and been exerciſed with unreſtrained violence: Thou haſt found means not only to trample upon law and juſtice, but even to ſubvert and deſtroy them. Though this paſt behaviour of thine was beyond all patience, yet have I borne with it as I could. But now, to be in continual apprehenſion from thee alone; on every alarm to tremble at the name of Catiline; to ſee no deſigns formed againſt me that ſpeak not thee for their author; is altogether inſupportable. Be gone then, and rid me of my preſent terror; that, if juſt, I may avoid ruin; if groundleſs, I may at length ceaſe to fear.

SECT. VIII. Should your country, as I ſaid, addreſs you in theſe terms, ought ſhe not to find obedience, even ſuppoſing her unable to compel you to ſuch a ſtep? But did you not even offer to become a priſoner? Did you not ſay, that to avoid ſuſpicion, you would ſubmit to be confined in the houſe of M. Lepidus? When he declined receiving you, you had the aſſurance to come to me, and requeſt you might be ſecured at my houſe. When I likewiſe told you, that I could never think myſelf ſafe in the ſame houſe, when I judged it even dangerous to be in the ſame city with you, you applied to Q. Metellus the prætor. Being repulſed here too, you went to the excellent M. Marcellus, your companion; who, no doubt, you imagined would be very watchful in confining you, very quick in diſcerning your ſecret practices, and very reſolute in bringing you to juſtice. How juſtly may we pronounce him worthy of irons and a jail, whoſe own conſcience condemns him to reſtraint? If it be ſo then, Catiline, and you cannot ſubmit to the thought of dying here, do you heſitate to retire to ſome other country, and commit to flight and ſolitude a life, ſo often and ſo juſtly forfeited to thy country? But, ſay you, put the queſtion to the ſenate (for ſo you affect to talk,) and if it be their pleaſure that I go into baniſhment, I am ready to obey. I will put no ſuch queſtion; it is contrary to my temper: yet will I give you an opportunity of knowing the ſentiments of the ſenate with regard to you. Leave the city, Catiline; deliver the republick from its fears; go, if you wait only for that word, into baniſhment. Obſerve now, Catiline; mark the ſilence and compoſure of the aſſembly. Does a ſingle ſenator remonſtrate, or ſo much as offer to ſpeak? Is it needful they ſhould confirm by their voice, what they ſo expreſly declare by their ſilence? But had I addreſſed myſelf in this manner to that excellent youth P. Sextius, or to the brave M. Marcellus; the ſenate would e'er now have riſen up againſt me, and laid violent hands upon their conſul, in this very temple; and juſtly too. But with regard to you, Catiline, their ſilence declares their approbation, their acquieſcence amounts to a decree, and by ſaying nothing they proclaim their conſent.

rum tibi auctoritas eſt videlicet cara, vita viliſſima; ſed etiam illi equites Rom. honeſtiſſimi, atque optimi viri, cæterique fortiſſimi cives, qui circumſtant Senatum: quorum tu & frequentiam videre, & ſtudia perſpicere, & voces paulo antè exaudire potuiſti; quorum ego vix abs te jamdiu manus ac tela contineo; eoſdem facile adducam, ut te hæc, quæ jampridem vaſtare ſtudes, relinquentem uſque ad portas proſequantur.

IX. Quanquam quid loquor? te ut ulla res frangat? tu ut unquam te corrigas? tu ut ullam fugam meditare? tu ullum ut exilium cogites? utinam tibi iſtam mentem dii immortales darent! tametſi video, ſi meâ voce perterritus ire in exilium animum induxeris, quanta tempeſtas invidiæ nobis, ſi minùs in præſens tempus, recenti memoriâ ſcelerum tuorum, at in poſteritatem impendeat. Sed eſt mihi tanti, dummodo iſta privata ſit calamitas, & à reipub. periculis ſejungatur. Sed tu ut vitiis tuis commoveare, ut legum pœnas pertimeſcas, ut temporibus reipub. cedas, non eſt poſtulandum; neque enim, Catilina, is es, ut te aut pudor à turpitudine, aut metus à periculo, aut ratio à furore revocarit. Quamobrem, ut ſæpe jam dixi, proficiſcere: ac ſi mihi inimico, ut prædicas, tuo conflare vis invidiam, rectâ perge in exilium: vix feram ſermones hominum, ſi id feceris: vix molem iſtius invidiæ, ſi in exilium ieris juſſu Conſulis, ſuſtinebo; ſin autem ſervire meæ laudi & gloriæ mavis, egredere cum importuna ſceleratorum manu: confer te ad Manlium, concita perditos cives; ſecerne te à bonis; infer patriæ bellum; exſulta impio latrocinio; ut à me non ejectus ad alienos, ſed invitatus ad tuos iſſe videaris. Quamquam quid ego te invitem, à quo jam ſciam eſſe præmiſſos, qui tibi ad Forum Aurelium præſtolarentur armati? cum ſciam pactam & conſtitutam eſſe cum Manlio diem? à quo etiam (15.) aquilam illam argenteam, quam tibi ac tuis omnibus pernicioſam eſſe confido & funeſtam futuram, cui domi tuæ ſacrarium ſcelerum tuorum conſtitutum fuit, ſciam eſſe præmiſſam? Tu ut illa diutius carere poſſis, quam venerari ad cædem proficiſcens ſolebas? à cujus altaribus ſæpe iſtam dextram impiam ad necem civium tranſtuliſti?

X.

NOTES.

(15.) *Aquilam illam argenteam.*] It is well known, that the eagle was the proper ſtandard of the Roman armies. Each legion had one; and as there were ten cohorts in every legion, the firſt cohort always claimed the honour of guarding the ſtandard. We learn from hiſtory, that the Roman ſtandards, and eſpecially the eagle, were held in the greateſt veneration by the ſoldiers; who even worſhipped them as deities, and ſwore by them. The eagle of which Cicero here ſpeaks, and which Catiline kept ſo religiouſly, is ſaid to have been the ſame which Marius had in the war with the Cimbri.

ſent. Nor is this true of the ſenators alone, whoſe authority you affect to prize, while you make no account of their lives; but of theſe brave and worthy Roman knights, and other illuſtrious citizens, who guard the avenues of the ſenate; whoſe numbers you might have ſeen, whoſe ſentiments you might have known, whoſe voices a little while ago you might have heard; and whoſe ſwords and hands I have for ſome time with difficulty reſtrained from your perſon. Yet all theſe will I eaſily engage to attend you to the very gates; if you but conſent to leave this city, which you have ſo long devoted to deſtruction.

SECT. IX. But why do I talk? As if your reſolution was to be ſhaken? Or there was any room to hope you would reform? Can we expect you will ever think of flight? or entertain the deſign of going into baniſhment? May the immortal gods inſpire you with that reſolution. Though I clearly perceive, ſhould my threats frighten you into exile, what a ſtorm of envy will light upon my own head; if not at preſent, whilſt the memory of thy crimes is freſh, yet ſurely in future times. But I little regard that thought, provided the calamity falls on myſelf alone, and is not attended with any danger to my country. But to feel the ſtings of remorſe, to dread the rigour of the laws, to yield to the exigencies of the ſtate, are things not to be expected from thee. Thou, O Catiline, art none of thoſe, whom ſhame reclaims from diſhonourable purſuits, fear from danger, or reaſon from madneſs. Be gone, then, as I have already often ſaid: and if you would ſwell the meaſure of popular odium againſt me, for being, as you give out, your enemy, depart directly into baniſhment. By this ſtep you will bring upon me an inſupportable load of cenſure; nor ſhall I be able to ſuſtain the weight of the publick indignation, ſhouldſt thou, by order of the conſul, retire into exile. But if you mean to advance my reputation and glory, march off with your abandoned crew of ruffians; repair to Manlius; rouze every deſperate citizen to rebel; ſeparate yourſelf from the worthy; declare war againſt your country; triumph in your impious depredations; that it may appear you was not forced by me into a foreign treaſon, but voluntarily joined your aſſociates. But why ſhould I urge you to this ſtep, when I know you have already ſent forward a body of armed men, to wait you at the Forum Aurelium? When I know you have concerted and fixed a day with Manlius? When I know you have ſent off the ſilver eagle, that domeſtick ſhrine of your impieties, which I doubt not will bring ruin upon you and your accomplices? Can you abſent yourſelf longer from an idol to which you had recourſe in every bloody attempt? And from whoſe altars that impious right-hand was frequently transferred to the murder of your countrymen?

X. Ibis tandem aliquando, quo te jampridem tua iſta cupiditas effrenata ac furioſa rapiebat; neque enim tibi hæc res affert dolorem, ſed quandam incredibilem voluptatem: ad hanc te amentiam natura peperit, voluntas exercuit, fortuna ſervavit; nunquam tu non modò otium; ſed ne bellum quidem, niſi nefarium, concupiſti; nactus es ex perditis, atque ab omni non modò fortuna, verumetiam ſpe derelictis, conflatam improborum manum; hîc tu quâ lætitia perfruere? quibus gaudiis exſultabis? quanta in voluptate bacchabere, cùm in tanto numero tuorum neque audies virum bonum quemquam, neque videbis? Ad hujus vitæ ſtudium meditati illi ſunt, qui feruntur, labores tui: jacere humi non modò ab obſidendum ſtrupum, verumetiam ad facinus obeundum: vigilare non ſolùm ad inſidiandum ſomno maritorum, verumetiam bonis occiſorum. Habes ubi oſtentes illam præclaram tuam patientiam famis, frigoris, inopiæ rerum omnium; quibus te brevi tempore confectum eſſe ſenties. Tantum profeci tum, cum te à Conſulatu repuli, ut exſul potius tentare, quam Conſul vexare rempub. poſſes: atque ut id, quod eſſet à te ſceleratè ſuſceptum, latrocinium potiùs quam bellum nominaretur.

XI. Nunc ut à me, P. C. quandam prope juſtam patriæ querimoniam deteſter ac deprecer; percipite, quæſo, diligenter quæ dicam, & ea penitus animis veſtris mentibuſque mandate. Etenim ſi mecum patria, quæ mihi vita mea multò eſt carior, ſi cuncta Italia, ſi omnis reſpub. loquatur: M. Tulli, quid agis? tu-ne eum, quem eſſe hoſtem comperiſti, quem ducem belli futurum vides, quem exſpectari Imperatorem in caſtris hoſtium ſentis, auctorem ſceleris, principem conjurationis, evocatorem ſervorum & civium perditorum, exire patieris, ut abs te non emiſſus ex urbe, ſed immiſſus in urbem eſſe videatur? non-ne hunc in vincula duci, non ad mortem rapi, non ſummo ſupplicio mactari imperabis? Quid tandem impedit te? moſ-ne Majorum? at perſæpe etiam privati in hac repub. pernicioſos cives morte multarunt; an leges, quæ de civium Romanorum ſupplicio rogatæ ſunt? at nunquam in hac urbe ii, qui à repub. defecerunt, civium jura tenuerunt; an invidiam poſteritatis

SECT. X. Thus will you at length repair, whither your frantic and unbridled rage has long been hurrying you. Nor does this iſſue of thy plots give thee pain; but, on the contrary, fills thee with inexpreſſible delight. Nature has formed you, inclination trained you, and fate reſerved you for this deſperate enterprize. You never took delight either in peace or war, unleſs when they were flagitious and deſtructive. You have got together a band of ruffians and profligates, not only utterly abandoned of fortune, but even without hope. With what pleaſure will you enjoy yourſelf? how will you exult? how will you triumph? when amongſt ſo great a number of your aſſociates, you ſhall neither hear nor ſee an honeſt man? To attain the enjoyment of ſuch a life, have you exerciſed yourſelf in all thoſe toils, which are emphatically ſtiled yours: your lying on the ground, not only in purſuit of lewd amours, but of bold and hardy enterprizes: your treacherous watchfulneſs, not only to take advantage of the huſband's ſlumber, but to ſpoil the murdered citizen. Here may you exert all that boaſted patience of hunger, cold, and want, by which however you will ſhortly find yourſelf undone. So much have I gained by excluding you from the conſulſhip, that you can only attack your country as an exile, not oppreſs her as a conſul; and your impious treaſon will be deemed the efforts, not of an enemy, but of a robber.

SECT. XI. And now, conſcript fathers, that I may obviate and remove a complaint, which my country might with ſome appearance of juſtice urge againſt me; attend diligently to what I am about to ſay, and treaſure it up in your minds and hearts. For ſhould my country, which is to me much dearer than life, ſhould all Italy, ſhould the whole ſtate thus accoſt me, What are you about, Marcus Tullius? Will you ſuffer a man to eſcape out of Rome, whom you have diſcovered to be a publick enemy? whom you ſee ready to enter upon a war againſt the ſtate? whoſe arrival the conſpirators wait with impatience, that they may put themſelves under his conduct? the prime author of the treaſon; the contriver and manager of the revolt; the man who enliſts all the ſlaves and ruined citizens he can find? will you ſuffer him I ſay, to eſcape; and appear as one rather ſent againſt the city, than driven from it? will you not order him to be put in irons, to be dragged to execution, and to atone for his guilt by the moſt rigorous puniſhment? what reſtrains you on this occaſion? is it the cuſtom of our anceſtors? But it is well known in this commonwealth, that even perſons in a private ſtation have often put peſtilent citizens to death. Do the laws relating to the puniſhment of Roman citizens hold you in awe? Certainly traitors againſt their country can have no claim to the privileges of citizens.

Are

tis times? præclaram vero populo Rom. refers gratiam, qui te hominem per te cognitum, nullâ commendatione Majorum, tam maturè ad ſummum imperium per omnes honorum gradus extulit, ſi propter invidiam, aut alicujus periculi metum, ſalutem civium tuorum negligis. Sed ſi quis eſt invidiæ metus, num eſt vehementiùs ſeveritatis ac fortitudinis invidia, quàm inertiæ, ac nequitiæ pertimeſcenda? an cùm bello vaſtabitur Italia, vexabuntur urbes, tecta ardebunt; tum te non exiſtimas invidiæ incendio conflagraturum?

XII. His ergo ſanctiſſimis reipub. vocibus, & eorum hominum, qui idem ſentiunt, mentibus pauca reſpondebo. (16.) Ego ſi hoc optimum factu judicarem, P. C. Catilinam morte multari, unius uſuram horæ gladiatori iſti ad vivendum non dediſſem; etenim ſi ſummi viri, & clariſſimi cives, Saturnini, & Gracchorum, & Flacci, & ſuperiorum complurium ſanguine non modò ſe non contaminarunt, ſed etiam honeſtarunt; certe verendum mihi non erat, ne quid, hoc parricidâ civium interfecto, invidiæ mihi in poſteritatem redundaret. Quod ſi ea mihi maximè impenderet, tamen hoc animo ſemper fui, ut invidiam virtute partam, gloriam, non invidiam putarem. (17.) Quamquam nonnulli ſunt in hoc ordine, qui aut ea quæ imminent, non videant; aut ea quæ vident, diſſimulent: qui ſpem Catilinæ mollibus ſententiis aluerunt, conjurationemque naſcentem non credendo corroboraverunt: quorum auctoritatem ſecuti multi, non ſolùm improbi, verum etiam imperiti, ſi in hunc animadvertiſſem, crudeliter & regiè factum eſſe dicerent. Nunc intelligo, ſi iſte, quo intendit, in Manliana caſtra pervenerit, neminem tam ſtultum fore, qui non videat conjurationem eſſe factam: neminem tam improbum, qui non fateatur. Hoc autem uno interfecto, intelligo hanc reip. peſtem pauliſper reprimi, non in perpetuum comprimi poſſe. Quod ſi ſe ejecerit, ſecumque ſuos eduxerit, & eodem cæteros undique collectos naufragos aggregaverit; exſtinguetur, atque delebitur, non modò hæc tam adulta reipubl. peſtis, verumetiam ſtirps, ac ſemen malorum omnium.

XIII.

NOTES.

(16.) *Ego, ſi hoc optimum.*] Cicero here explains his conduct, and the reaſons on which it was founded. He had two things in his choice; either to put Catiline to death, or oblige him to leave the city. The firſt of theſe, had it been for the intereſt of the commonwealtth, he declares himſelf ready to put in execution, whatever conſequences might follow: for, ſays he, I have no reaſon to apprehend, that ſo beneficial and ſalutary a meaſure would draw upon me any envy; and even ſuppoſing the worſt to happen, the glory of having preſerved my country, would enable me to bear my misfortune with patience. But, adds he, there is no need of coming to this extremity; becauſe I hold it the ſafer way to drive him from the city. For by putting him to death, I ſhould only check the progreſs of the conſpiracy for a time; but in obliging him to leave the city, I ſhall ſoon have it in my power to deſtroy him and all his accomplices.

(17.) *Quanquam nonnulli ſunt in hoc ordine.*] Cæſar, Craſſus, and others of the firſt rank, were ſuſpected of being concerned in Catiline's conſpiracy, and of wiſhing that it might ſucceed. Theſe were cunning enough not to be preſent at the meetings of the

Are you afraid of the reproaches of poſterity? A noble proof, indeed, of your gratitude to the Roman people, that you, a new man, who, without any recommendation from your anceſtors, have been raiſed by them through all the degrees of honour to ſovereign dignity, ſhould, for the ſake of any danger to yourſelf, neglect the care of the publick ſafety. But if cenſure be that whereof you are afraid, think which is to be moſt apprehended, the cenſure incurred for having acted with firmneſs and courage, or that for having acted with ſloth and puſillanimity? When Italy ſhall be laid deſolate with war, her cities plundered, her dwellings on fire; can you then hope to eſcape the flames of publick indignation?

SECT. XII. To this moſt ſacred voice of my country, and to all thoſe who blame me after the ſame manner, I ſhall make this ſhort reply; That if I had thought it the moſt adviſeable to put Catiline to death, I would not have allowed that gladiator the uſe of one moment's life. For if, in former days, our greateſt men, and moſt illuſtrious citizens, inſtead of ſullying, have done honour to their memories, by the deſtruction of Saturninus, the Gracchi, Flaccus, and many others; there is no ground to fear, that by killing this parricide, any envy would lie upon me with poſterity. Yet if the greateſt was ſure to befal me, it was always my perſuaſion, that envy acquired by virtue was really glory, not envy. But there are ſome of this very order, who do not either ſee the dangers which hang over us, or elſe diſſemble what they ſee; who by the ſoftneſs of their votes cheriſh Catiline's hopes, and add ſtrength to the conſpiracy by not believing it; whoſe authority influences many, not only of the wicked, but the weak; who, if I had puniſhed this man as he deſerved, would not have failed to charge me with acting cruelly and tyrannically. Now I am perſuaded, that when he is once gone into Manlius's camp, whither he actually deſigns to go, none can be ſo ſilly, as not to ſee that there is a plot; none ſo wicked, as not to acknowledge it: whereas by taking off him alone, though this peſtilence would be ſomewhat checked, it could not be ſuppreſſed: but when he has thrown himſelf into rebellion, and carried out his friends along with him, and drawn together the profligate and deſperate from all parts of the empire, not only this ripened plague of the republick, but the very root and ſeed of all our evils will be extirpated with him at once.

SECT.

NOTES.

the body of the conſpirators, leſt they ſhould be diſcovered; but they ſerved Catiline, by maintaining that the whole conſpiracy was a chimæra of the conſul's brain, or at moſt a deſign to be revenged on Cicero, for diſappointing Catiline ſo often in his ſtanding for the conſulſhip.

XIII. Etenim jamdiu, P. C. in his periculis conjurationis inſidiiſque verſamur: ſed neſcio quo pacto omnium ſcelerum, ac veteris furoris & audaciæ maturitas in noſtri Conſulatus tempus erupit. Quod ſi ex tanto latrocinio iſte unus tolletur, videbimur fortaſſe ad breve quoddam tempus curâ & metu eſſe relevati: periculum autem reſidebit, & erit incluſum penitus in venis, atque in viſceribus reipublicæ. Ut ſæpe homines ægri morbo gravi, cùm æſtu febrique jactantur, ſi aquam gelidam biberint, primo relevari videntur; deinde multò gravius vehementiuſque afflictantur: ſic hic morbus qui eſt in republica, relevatus iſtius pœnâ, vehementiùs, vivis reliquis ingraveſcet. Quare, P. C. ſecedant improbi, ſecernant ſe à bonis, unum in locum congregentur; muro denique, id quod ſæpe jam dixi, ſecernantur à nobis: deſinant inſidiari domi ſuæ Conſuli, circumſtare tribunal Prætoris urbani, obſidere cum gladiis curiam, malleolos & faces ad incendendam urbem comparare: ſit denique inſcriptum in fronte uniuſcujuſque civis, quid de repub. ſentiat. Polliceor vobis hoc, P. C. tantum in nobis Coſſ. fore diligentiam, tantam in vobis auctoritatem, tantam in equitibus Rom. virtutem, tantam in omnibus bonis conſenſionem, ut Catilinæ profectione omnia patefacta, illuſtrata, oppreſſa, vindicata eſſe videatis. (18.) Hiſce ominibus, Catilina, cum ſumma reip. ſalute, & cum tua peſte ac pernicie, cumque eorum exitio, qui ſe tecum omni ſcelere, parricidioque juxerunt, proficiſcere ad impium bellum ac nefarium. Tum tu, Jupiter, qui iiſdem, quibus hæc urbs, auſpiciis à Romulo es conſtitutus, quem Statorem hujus urbis, atque imperii vere nominamus, hunc, & hujus ſocios à tuis aris, cæteriſque templis, à tectis urbis ac mœnibus, à vita fortuniſque civium omnium arcebis: & omnes inimicos bonorum, hoſtes patriæ, latrones Italiæ, ſcelerum fœdere inter ſe ac nefaria ſocietate conjunctos, æternis ſuppliciis vivos mortuoſque mactabis.

NOTES.

(18.) *Hiſce ominibus Catilina.*] The heathens ſuperſtitiouſly obſerved whatever was ſaid on their undertaking a journey, or any enterprize. Some of the greateſt men have laid aſide an undertaking, or been encouraged in the purſuit of it, by a word dropt by chance. All the Roman hiſtorians, particularly Livy, are full of this ridiculous conceit. This ſolemn imprecation, therefore, pronounced by the conſul, in the temple of *Jupiter Stator*, was like the higheſt excommunication, and would be conſtrued a bad omen to Catiline by all thoſe of his audience, who had any regard for the religion of their country.

ORA-

SECT. XIII. It is now a long time, conſcript fathers, that we have trod amidſt the dangers and machinations of this conſpiracy: but I know not how it comes to paſs, the full maturity of all thoſe crimes, and of this long ripening rage and inſolence, has now broke out during the period of my conſulſhip. Should he alone be removed from this powerful band of traitors, it may abate, perhaps, our fears and anxieties for a while; but the danger will ſtill remain, and continue lurking in the veins and vitals of the republick. For as men, oppreſſed with a ſevere fit of illneſs, and labouring under the raging heat of a fever, are often at firſt ſeemingly relieved by a draught of cold water; but afterwards find the diſeaſe return upon them with redoubled fury: in like manner, this diſtemper which has ſeized the commonwealth, eaſed a little by the puniſhment of this traitor, will from his ſurviving aſſociates ſoon aſſume new force. Wherefore, conſcript fathers, let the wicked retire, let them ſeparate themſelves from the honeſt, let them rendezvous in one place. In fine, as I have often ſaid, let a wall be between them and us: let them ceaſe to lay ſnares for the conſul in his own houſe, to beſet the tribunal of the city prætor, to inveſt the ſenate-houſe with armed ruffians, and to prepare fire-balls and torches for burning the city: in ſhort, let every man's ſentiments with regard to the public be inſcribed on his forehead. This I engage for and promiſe, conſcript fathers, that by the diligence of the conſuls, the weight of your authority, the courage and firmneſs of the Roman knights, and the unanimity of all the honeſt, Catiline being driven from the city, you ſhall behold all his treaſons detected, expoſed, cruſhed, and puniſhed. With theſe omens, Catiline, of all proſperity to the republick, but of deſtruction to thyſelf, and all thoſe who have joined themſelves with thee in all kinds of parricide, go thy way then to this impious and abominable war: whilſt thou, Jupiter, whoſe religion was eſtabliſhed with the foundation of this city, whom we truly call Stator, the ſtay and prop of this empire, wilt drive this man and his accomplices from thy altars and temples, from the houſes and walls of the city, from the lives and fortunes of us all; and wilt deſtroy with eternal puniſhments, both living and dead, all the haters of good men, the enemies of their country, the plunderers of Italy, now confederated in this deteſtable league and partnerſhip of villainy.

ORATIO V.

2. In L. CATILINAM *.

I. TANDEM aliquando, Quirites, L. Catilinam furentem audacia, ſcelus anhelantem, peſtem patriæ nefariè molientem, vobis atque huic urbi ferrum flammamque minitantem, ex urbe (1.) vel ejecimus, vel emiſimus, vel ipſum egredientem verbis proſecuti ſumus. Abiit, exceſſit, evaſit, erupit; nulla jam pernicies à monſtro illo, atque prodigio mœnibus ipſis intra mœnia comparabitur. Atque hunc quidem unum hujus belli domeſtici ducem ſine controverſia vicimus; non jam inter latera noſtra ſica illa verſabitur: non in campo, non in foro, non in curia, non denique intra domeſticos

NOTES.

* Catiline, aſtoniſhed by the thunder of the laſt ſpeech, had little to ſay for himſelf in anſwer to it; yet, with downcaſt looks, and ſuppliant voice, he begged of the fathers, not to believe too haſtily what was ſaid againſt him by an enemy; that his birth and paſt life offered every thing to him that was hopeful; and it was not to be imagined, that a man of patrician family, whoſe anceſtors, as well as himſelf, had given many proofs of their affection to the Roman people, ſhould want to overturn the government; while Cicero, a ſtranger, and late inhabitant of Rome, was ſo zealous to preſerve it. But as he was going on to give foul language, the ſenate interrupted him by a general outcry, calling him traitor and parricide: upon which, being furious and deſperate, he declared again aloud what he had ſaid before to Cato, that ſince he was circumvented and driven headlong by his enemies, he would quench the flame which was raiſed about him by the common ruin; and ſo ruſhed out of the aſſembly. As ſoon as he was come to his houſe, and began to reflect on what had paſſed, perceiving it in vain to diſſemble any longer, he reſolved to enter into action immediately, before the troops of the republick were increaſed, or any new levies made; ſo that after a ſhort conference with Lentulus, Cethegus, and the reſt, about what had been concerted in the laſt meeting, having given freſh orders and aſſurances of his ſpeedy return at the head of a ſtrong army, he left Rome that very night with a ſmall retinue, to make the beſt of his way towards Etruria. He no ſooner diſappeared, than his friends gave out that he was gone into a voluntary exile at Marſeilles; which was induſtriouſly ſpread through the city the next morning, to raiſe an odium upon Cicero, for driving an innocent man into baniſhment, without any previous trial or proof of his guilt. But Cicero was too well informed of his motions to entertain any doubt about his going to Manlius's camp, and into actual rebellion. He knew that he had ſent thither already a great quantity of arms, and all the enſigns of military command, with that ſilver eagle, which he uſed to keep with great ſuperſtition in his houſe, for its having belonged to C. Marius, in his expedition againſt the Cimbri. But, leſt the ſtory ſhould make an ill impreſſion on the city, he called the people together

ORATION V.

2. Againſt CATILINE.

SECT. I. AT length, Romans, have we driven, diſcarded, and purſued with the keeneſt reproaches to the very gates of Rome, L. Catiline, intoxicated with fury, breathing miſchief, impiouſly plotting the deſtruction of his country, and threatening to lay waſte this city with fire and ſword. He is gone, he is fled, he has eſcaped, he has broke away. No longer ſhall that monſter, that prodigy of miſchief, plot the ruin of this city within her very walls. We have gained a clear conqueſt over this chief and ring-leader of domeſtick broils. His threatening dagger is no longer pointed at our breaſts, nor ſhall we now any more tremble, in the field of Mars, the forum, the ſenate-houſe, or within our domeſtick walls.

NOTES.

together into the forum, to give them an account of what paſſed in the ſenate the day before, and of Catiline's leaving Rome upon it. And this makes the ſubject of the oration now before us.

(1.) *Vel ejecimus, vel emiſimus, vel ipſum egredientem*, &c.] *Ejicere* is when a man is forced from a place againſt his will. *Emittere* implies his being diſpatched upon ſome affair with his own conſent. In both caſes, however, the will of another is concerned. *Egredi* is an act entirely our own, to which neither force nor perſuaſion, but a voluntary impulſe prompts us. All theſe expreſſions may be in ſome meaſure applied to Catiline, as we ſee Cicero in fact does in this paragraph. He was forced from Rome againſt his will, becauſe his intention originally was, not to leave the city, till Cicero was taken off. He was ſent away with his own conſent, becauſe, ſeeing all his deſigns diſcovered, and his moſt ſecret machinations brought to light, he plainly perceived, that he could not continue any longer in Rome with ſafety. In fine, he quitted the place of his own choice, becauſe there was nothing he was more earneſtly ſet upon, than to repair to Manlius's camp. The four words Cicero uſes immediately after, *abiit*, *exceſſit*, *evaſit*, *erupit*, are not to be conſidered as a ſtring of ſynonimous terms, but form a kind of climax, in which the expreſſion gradually grows in force. *Abiit*, *he is gone*, implies only a bare removal. *Exceſſit*, *he has quitted us*, as if induced by ſome urgent reaſons. *Evaſit*, *he has eſcaped*, as if from a place where he could no longer remain in ſafety. *Erupit*, *he hath broke from us*, as if he had dreaded being detained from Manlius's camp, whither he was very deſirous to go.

cos parietes pertimeſcemus; loco ille motus eſt, cùm eſt ex urbe depulſus; palam jam cum hoſte, nullo impediente, bellum juſtum geremus. Sine dubio perdidimus hominem, magnificeque vicimus, cum illum ex occultis inſidiis in apertum latrocinium conjecimus. Quòd vero non cruentum mucronem, ut voluit, extulit, quòd vivis nobis egreſſus eſt, quòd ei ferrum de manibus extorſimus, quòd incolumes cives, quod ſtantem urbem reliquit, quanto tandem illum mœrore afflictum eſſe & profligatum putatis? Jacet ille nunc, proſtratuſque eſt, Quirites, & ſe perculſum, atque abjectum eſſe ſentit; & retorquet oculos profectò ſæpe ad hanc urbem, quam ex ſuis faucibus ereptam eſſe luget: quæ quidem lætari mihi videtur, quod tantam peſtem evomuerit, foraſque projecerit.

II. At ſi quis eſt talis, quales eſſe omnes oportebat, qui hoc in ipſo, in quo exſultat & triumphat oratio mea, me vehementer accuſet, (2.) quod tam capitalem hoſtem non comprehenderim potius, quam emiſerim: non eſt iſta mea culpa, Quirites, ſed temporum. Interemptum eſſe L. Catilinam, & graviſſimo ſupplicio affectum jampridem oportebat: idque à me & mos Majorum, & hujus imperii ſeveritas, & reſpub. poſtulabat. (3.) Sed quam multos fuiſſe putatis, qui, quæ ego deferrem, non crederent? quam multos, qui propter ſtultitiam non putarent? quam multos, qui etiam defenderent? quam multos, qui propter improbitatem faverent? Ac ſi, ſublato illo, depelli à vobis omne periculum judicarem, jampridem ego L. Catilinam non modo invidiæ meæ, verum etiam vitæ periculo ſuſtuliſſem; ſed cum viderem, ne vobis quidem omnibus re etiam tum probata, ſi illum, ut erat meritus, morte multaſſem, fore ut ejus ſocios invidia oppreſſus perſequi non poſſem; rem huc deduxi, ut tum palàm pugnare poſſetis, cùm hoſtem apertè videretis. Quem quidem

NOTES.

(2.) *Quod tam capitalem hoſtem non comprehenderim potius, quam emiſerim.*] It muſt doubtleſs appear very ſtrange to ſome, that Cicero, when he had certain information of Catiline's treaſon, inſtead of ſeizing him in the city, not only ſuffered, but urged his eſcape, and forced him as it were to begin the war. But, as he intimates here, and in many other parts of his ſpeeches, there was good reaſon for what he did. He had many enemies among the nobility, and Catiline many ſecret friends; and though he was perfectly informed of the whole progreſs and extent of the plot, yet the proofs being not ready to be laid before the publick, Catiline's diſſimulation ſtill prevailed, and perſuaded great numbers of his innocence; ſo that if he had impriſoned and puniſhed him at this time, as he deſerved, the whole faction were prepared to raiſe a general clamour againſt him, by repreſenting his adminiſtration as a tyranny, and the plot as a forgery contrived to ſupport it: whereas by driving Catiline into rebellion, he made all men ſee the reality of their danger; while, from an exact account of his troops, he knew them to be ſo unequal to thoſe of the republick, that there was no doubt of his being deſtroyed, if he could be puſhed to the neceſſity of declaring himſelf before his other projects were ripe for execution. He knew alſo, that if Catiline was once driven out of the city, and ſeparated from his accomplices, who were a lazy, drunken, thoughtleſs crew, they would ruin themſelves by their own raſhneſs, and be eaſily drawn into any trap which he ſhould lay for them. The event ſhewed that he judged right; and by what happened afterwards

walls. In driving him from the city, we have forced his moſt advantageous poſt. We ſhall now, without oppoſition, carry on a juſt war againſt an open enemy. We have effectually ruined the man, and gained a glorious victory, by driving him from his ſecret plots into open rebellion. But how do you think is he overwhelmed and cruſhed with regret, at carrying away his dagger unbathed in blood, at leaving the city before he had effected my death, at ſeeing the weapons prepared for our deſtruction wreſted out of his hands; in a word, that Rome is ſtill ſtanding, and her citizens ſafe. He is now quite overthrown, Romans, and perceives himſelf impotent and deſpiſed, often caſting back his eyes upon this city, which he ſees, with regret, reſcued from his deſtructive jaws; and which ſeems to me to rejoice for having diſgorged and rid herſelf of ſo peſtilent a citizen.

SECT. II. But if there be any here, who blame me for what I am boaſting of, as you all indeed juſtly may, that I did not rather ſeize than ſend away ſo capital an enemy; that is not my fault, citizens, but the fault of the times. Catiline ought long ago to have ſuffered the laſt puniſhment; the cuſtom of our anceſtors, the diſcipline of the empire, and the republick itſelf required it: but how many would there have been, who would not have believed what I charged him with? How many, who, through weakneſs would never have imagined it? how many who would even have defended him? how many, who, through wickedneſs, would have eſpouſed his cauſe? But had I judged that his death would have put a final period to all your dangers, I would long ago have ordered him to execution, at the hazard not only of publick cenſure, but even of my life. But when I ſaw, that by ſentencing him to the death he deſerved, and before you were all fully convinced of his guilt, I ſhould have drawn upon myſelf ſuch an odium, as would have rendered me unable to proſecute his accomplices; I brought the matter to this point, that you might then openly and vigorouſly attack Catiline, when he was apparently become a publick enemy. What kind of an enemy I judge him to be, and how formidable

NOTES.

wards both to Catiline and to himſelf, it appeared, that, as far as human caution could reach, he acted with the utmoſt prudence in regard as well to his own, as to the publick ſafety.

(3.) *Sed quam multos fuiſſe putatis.*] Cicero here mentions three kinds of men, whoſe envy and reſentment he was like to incur, by proceeding to extremities againſt Catiline. Firſt ſuch as looked upon him to be an enemy to Catiline, on account of the competition that had ariſen between them about the conſulſhip, where our orator had found him a very powerful rival. This induced them to conſider what Cicero alledged againſt him, as the groundleſs aſſertions of a man actuated by a principle of hatred. The ſecond ſort were thoſe who really believed there was no conſpiracy, nay were ready to defend Catiline, and weak enough to imagine him incapable of any ſuch deſigns. The third ſort were the wicked and profligate, who hoped to reap advantage from the overthrow of the ſtate, and therefore wiſhed well to the conſpiracy.

(4.)

quidem ego hoſtem, Quirites, quàm vehementer foris eſſe timendum putem, licet hinc intelligatis, quòd illud etiam moleſtè fero, quòd ex urbe parum comitatus exierit. Utinam ille omnes ſecum ſuas copias eduxiſſet. Tongillum mihi eduxit, quem amare in prætexta cœperat: Publicium & Munatium, quorum æs alienum contractum in popina nullum reip. motum afferre poterat. Reliquit quos viros? quanto alieno ære? quem valentes? quam nobiles?

III. Itaque ego illum exercitum, præ Gallicanis legionibus, & hoc delectu (4.) quem in agro Piceno & Gallico Q. Metellus habuit, & his copiis quæ à nobis quotidie comparantur, magnopere contemno; collectum ex ſenibus deſperatis, ex agreſti luxuria, ex ruſticis mendiculis, ex decoctoribus, ex iis qui vadimonia deſerere, quam illum exercitum maluerunt: quibus ego non modo ſi aciem exercitus noſtri, verum etiam ſi edictum Prætoris oſtendero, concident. Hos, quos video volitare in foro, quos ſtare ad curiam, quos etiam in Senatum venire; qui nitent unguentis, qui fulgent purpura, mallem ſecum ſuos milites eduxiſſet; qui ſi hic permanent, mementote non tam exercitum illum eſſe nobis, quam hos, qui exercitum deſeruerunt, pertimeſcendos. Atque hoc etiam magis ſunt timendi, quod, quid cogitent, me ſcire ſentiunt, neque tamen permoventur. (5.) Video, cui Apulia ſit attributa, qui habeat Etruriam, qui agrum Picenum, qui Gallicum, qui ſibi has urbanas inſidias cædis, atque incendiorum depopoſcerit: omnia ſuperioris noctis conſilia ad me perlata eſſe ſentiunt; patefeci in Senatu heſterno die: Catilina ipſe pertimuit, profugit; hi quid exſpectant? næ illi vehementer errant, ſi illam meam priſtinam lenitatem perpetuam ſperant futuram.

IV. Quod exſpectavi, jam ſum aſſecutus, ut vos omnes factam eſſe aperte conjurationem contra rempubl. videretis: niſi vero ſi quis eſt, qui Catilinæ ſimiles cum Catilina ſentire non putet. Non eſt jam lenitati locus, ſeveritatem res ipſa flagitat; unum etiam nunc concedam:

NOTES.

(4.) *Quem in agro Piceno, et Gallico, Q. Metellus.*] When the deſign of the conſpiracy came to be known, Q. Pompeius Rufus was ſent to Capua, and Q. Metellus Celer to Picenum, with commiſſion to levy troops, and provide an army ſufficient to repel the danger wherewith the ſtate was threatened. This ſufficiently explains Cicero's meaning, with reſpect to the levies in Picenum. To underſtand what he further ſays of the Gallick troops, the reader muſt be informed, that the ſenate having decreed the provinces of Macedonia and Gaul to the two conſuls of the preſent year, Macedonia fell to the lot of Cicero; which being one of the moſt lucrative provinces of the empire, our orator reſigned it to his collegue Antony; who being overwhelmed with debt, and on that account ſuſpected of favouring the conſpiracy, was by this means drawn off from his old aſſociates, and induced to act the part of a real friend to his country. But neither did Cicero accept of Gaul, chuſing rather to continue in Rome, and charge himſelf with the guardianſhip of the city. He therefore reſigned his province to his friend Q. Metellus; and hence it is, that we find him ſo often boaſting in his ſpeeches, that he had rejected all the advantages of a provincial command, in the view of rendering himſelf more ſerviceable to the commonwealth.

(5.)

formidable in his attempts, you may learn from hence, citizens, that I am only sorry he went off with so few to attend him. I wish he had taken his whole forces along with him: he has carried off Tongillus indeed, the object of his criminal passion when a youth: he has likewise carried off Publicius and Munatius, whose tavern debts would never have occasioned any commotions in the state. But how important are the men he has left behind him? how oppressed with debt, how powerful, how illustrious by their descent?

SECT. III. When therefore I think of our Gallick legions, and the levies made by Metellus in Picenum and Lombardy, together with those troops we are daily raising; I hold in utter contempt that army of his, composed of wretched old men, of debauchees from the country, of rustick vagabonds, of such as have fled from their bail to take shelter in his camp: men ready to run away not only at the sight of an army, but of the prætor's edict. I could wish he had likewise carried with him those whom I see fluttering in the forum, sauntering about the courts of justice, and even taking their places in the senate; men sleek with perfumes, and shining in purple. If these still remain here, mark what I say, the deserters from the army are more to be dreaded than the army itself; and the more so, because they know me to be informed of all their designs, yet are not in the least moved by it. I behold the person to whom Apulia is allotted, to whom Etruria, to whom the territory of Picenum, to whom Cisalpine Gaul. I see the man who demanded the task of setting fire to the city, and filling it with slaughter. They know that I am acquainted with all the secrets of their last nocturnal meeting: I laid them open yesterday in the senate: Catiline himself was disheartned and fled: what then can these others mean? They are much mistaken if they imagine I shall always use the same lenity.

SECT. IV. I have at last gained what I have hitherto been waiting for, to make you all sensible that a conspiracy is openly formed against the state; unless there be any one who imagines, that such as resemble Catiline may yet refuse to enter into his designs. There is now therefore no more room for clemency, the case itself requires severity. Yet I will still grant them one thing; let them quit the city,

NOTES.

(5.) *Video cui Apuleia sit attributa.*] Sallust tells us, that Catiline, some time before, had sent Manlius to Fœsulæ, and the adjoining parts of Tuscany; Septimius Camers to Ancona, and C. Julius into Apulia, to make levies. But Cicero seems here to mean some persons of greater note, yet in Rome, who were to command in chief in those countries, whose names are not left us by any historians, except that Marcus Cæparius is said, in the third oration against Catiline, to have been named to raise the shepherds in Apulia. Lentulus, Cethegus, Statilius, and Cassius, undertook to fire the city, and murder their fiercest enemies; particularly Cethegus promised to dispatch Cicero; and even offered, with a small force, to attack the senate-house, and cut off all the senate at once.

concedam: exeant, proficiſcantur, ne patiantur deſiderio ſui Catilinam miſerum tabeſcere: demonſtrabo iter: Aurelia via profectus eſt: ſi accelerare volent, ad veſperam conſequentur. O fortunatam remp. ſi quidem hanc ſentinam hujus urbis ejecerit! uno mehercule Catilina exhauſto, relevata mihi & recreata reſp. videtur. Quid enim mali aut ſceleris fingi aut excogitari poteſt, quod non ille conceperit? quis tota Italia veneficus, quis gladiator, quis latro, quis ſicarius, quis parricida, quis teſtamentorum ſubjector, (6.) quis circumſcriptor, quis ganeo, quis nepos, quis adulter, quæ mulier infamis, quis corruptor juventutis, quis corruptus, quis perditus inveniri poteſt, qui ſe cum Catilina non familiariſſime vixiſſe fateatur? quæ cedes per hoſce annos ſine illo facta eſt? quod nefarium ſtuprum non per illum? Jam vero quæ tanta in ullo unquam homine juventutis illecebra fuit, quanta in illo? qui alios ipſe amabat turpiſſime, aliorum amori flagitioſiſſimè ſerviebat: aliis fructum libidinum, aliis mortem parentum, non modo impellendo, verùm etiam adjuvando pollicebatur. Nunc vero quàm ſubito non ſolum ex urbe, verum etiam ex agris ingentem numerum perditorum hominum collegerat? nemo, non modo Romæ, ſed nec ullo in angulo totius Italiæ oppreſſus ære alieno fuit, quem non ad hoc incredibile ſceleris fœdus adſciverit.

V. Atque ut ejus diverſa ſtudia in diſſimili ratione perſpicere poſſitis, nemo eſt in ludo gladiatorio paulo ad facinus audacior, qui ſe non intimum Catilinæ eſſe fateatur: nemo in ſcena levior & nequior, qui ſe non ejuſdem prope ſodalem fuiſſe commemoret. Atque idem tamen ſtuprorum & ſcelerum exercitatione aſſuefactus, frigore & fame, & ſiti ac vigiliis perferendis, fortis ab iſtis ſuis ſociis prædicabatur, cum induſtriæ ſubſidia, atque inſtrumenta virtutis in libidine audaciaque conſumeret. Hunc vero ſi ſui fuerint comites ſecuti, ſi ex urbe exierint deſperatorum hominum flagitioſi greges, ô nos beatos! ô rempubl. fortunatam! ô præclaram laudem conſulatus mei! Non enim jam ſunt mediocres hominum libidines, non humanæ audaciæ, ac tolerandæ: nihil cogitant, niſi cædem, niſi incendia, niſi rapinas: patrimonia ſua profuderunt, fortunas ſuas obliguerierunt: res eos jampridem, fides deficere nuper cœpit; eadem tamen illa, quæ erat in abundantia, libido permanet. Quod ſi

NOTES.

(6.) *Quis circumſcriptor— quis nepos.*] *Circumſcriptor* means one, who makes it his buſineſs to allure and entice youth into debauchery. This practice was become ſo common at Rome, that they had eſtabliſhed it into a kind of art or profeſſion. *Nepos*, beſides its proper ſignification, is frequently uſed, as here, for a debauchee and prodigal, one who had diſſipated his patrimony in luxury and voluptuouſneſs. Saluſt deſcribes at large the abandoned profligate crew, from among whom Catiline choſe his companions.

city, let them follow Catiline, nor ſuffer their miſerable leader to languiſh in their abſence. Nay, I will even tell them the way; it is the Aurelian road: if they make haſte, they may overtake him before night. O happy ſtate, were it but once drained of this ſink of wickedneſs! To me the abſence of Catiline alone, ſeems to have reſtored freſh beauty and vigour to the commonwealth. What villainy, what miſchief can be deviſed or imagined, that has not entered into his thoughts? What priſoner is to be found in all Italy, what gladiator, what robber, what aſſaſſin, what parricide, what forger of wills, what ſharper, what debauchee, what ſquanderer, what adulterer, what harlot, what corrupter of youth, what corrupted wretch, what abandoned criminal, who will not own an intimate familiarity with Catiline? What murder has been perpetrated of late years without him? What act of lewdneſs ſpeaks not him for its author? Was ever man poſſeſſed of ſuch talents for corrupting youth? To ſome he proſtituted himſelf unnaturally; for others he indulged a criminal paſſion. Many were allured by the proſpect of unbounded enjoyment, many by the promiſe of their parents death; to which he not only incited them, but even contributed his aſſiſtance. What a prodigious number of profligate wretches has he juſt now drawn together, not only from the city, but alſo from the country? There is not a perſon oppreſſed with debt, I will not ſay in Rome, but in the remoteſt corner of all Italy, whom he has not engaged in this unparalleled confederacy of guilt.

SECT. V. But to make you acquainted with the variety of his talents, in all the different kinds of vice; there is not a gladiator in any of our publick ſchools, remarkable for being audacious in miſchief, who does not own an intimacy with Catiline; not a player of diſtinguiſhed impudence and guilt, but openly boaſts of having been his companion. Yet this man, trained up in the continual exerciſe of lewdneſs and villainy, while he was waſting in riot and debauchery the means of virtue, and ſupplies of induſtry, was extolled by theſe his aſſociates for his fortitude and patience in ſupporting cold, hunger, thirſt, and watchings. Would his companions but follow him, would this profligate crew of deſperate men but leave the city; how happy would it be for us, how fortunate for the commonwealth, how glorious for my conſulſhip? It is not a moderate degree of depravity, a natural or ſupportable meaſure of guilt that now prevails. Nothing leſs than murders, rapines, and conflagrations employ their thoughts. They have ſquandered away their patrimonies, they have waſted their fortunes in debauchery; they have long been without money, and now their credit begins to fail them; yet ſtill they retain the ſame deſires, though deprived of the means of enjoyment. Did they amidſt their

ſi in vino & alea comiſſationes ſolùm, & ſcorta quærerent, eſſent illi quidem deſperandi, ſed tamen eſſent ferendi: hoc vero quis ferre poſſit, inertes homines fortiſſimis viris inſidiari, ſtultiſſimos prudentiſſimis, ebrioſos ſobriis, dormientes vigilantibus? qui mihi accubantes in conviviis, complexi mulieres impudicas, vino languidi, confecti cibo, ſertis redimiti, unguentis obliti, debilitati ſtupris, eructant ſermonibus ſuis cædem bonorum, atque urbis incendia: quibus ego confido impendere fatum aliquod; & pœnas jamdiu improbitati, nequitiæ, ſceleri, libidini debitas, aut inſtare jam plane, aut certe jam appropinquare. Quos ſi meus conſulatus, quoniam ſanare non poteſt, ſuſtulerit; non breve neſcio quod tempus, ſed multa ſæcula propagarit reipublicæ. Nulla eſt enim natio, quam pertimeſcamus: nullus rex, qui bellum populo Romano inferre poſſit; omnia ſunt externa, unius virtute, terra marique pacata; domeſticum bellum manet: intus inſidiæ ſunt: intus incluſum periculum eſt: intus eſt hoſtis; cum luxuria nobis, cum amentia, cum ſcelere certandum eſt. Huic ego me bello ducem profiteor, Quirites: ſuſcipio inimicitias hominum perditorum; quæ ſanari poterunt, quacunque ratione ſanabo: quæ reſecanda erunt, non patiar ad perniciem civitatis manare. Proinde aut exeant, aut quieſcant: aut, ſi & in urbe, & in eadem mente permanent; ea quæ merentur, exſpectent.

VI. At etiam ſunt, Quirites, qui dicant à me in exilium ejectum eſſe Catilinam, quod ego ſi verbo aſſequi poſſem, iſtos ipſos ejicerem, qui hæc loquuntur; homo enim videlicet timidus, & permodeſtus, vocem conſulis ferre non potuit: ſimul atque ire in exilium juſſus eſt, paruit. Quid, quòd heſterno die cum domi meæ pene interfectus eſſem, Senatum in ædem Jovis Statoris convocavi? rem omnem ad patres conſcriptos detuli? quò cùm Catilina veniſſet, quis eum Senator appellavit? quis ſalutavit? quis denique ita aſpexit ut perditum civem, ac non potius ut importuniſſimum hoſtem? quin etiam principes ejus ordinis partem illam ſubſelliorum, ad quam ille acceſſerat, nudam atque inanem reliquerunt. Hic ego, vehemens ille Conſul, qui verbo cives in exilium ejicio, quæſivi à Catilina, an nocturno conventu apud M. Leccam fuiſſet, necne; cum ille homo audaciſſimus, conſcientia convictus, primo reticuiſſet; patefeci cætera: quid ea nocte egiſſet, ubi fuiſſet, quid in proximam conſtituiſſet, quemadmodum eſſet ei ratio totius belli deſcripta, edocui;

revels and gaming, affect no other pleaſures than thoſe of lewdneſs and feaſting, however deſperate their caſe muſt appear, it might ſtill notwithſtanding be born with. But it is altogether inſufferable, that the cowardly ſhould pretend to plot againſt the brave, the fooliſh againſt the prudent, the drunken againſt the ſober, the drowſy againſt the vigilant; who lolling at feaſts, embracing miſtreſſes, ſtaggering with wine, ſtuffed with victuals, crowned with garlands, dawbed with perfumes, waſted with intemperance, belch in their converſations of maſſacring the honeſt, and firing the city. Over ſuch, I truſt, ſome dreadful fatality now hangs; and that the vengeance ſo long due to their villainy, baſeneſs, guilt, and crimes, is either juſt breaking, or juſt ready to break upon their heads. If my conſulſhip, ſince it cannot cure, ſhould cut off all theſe, it would add no ſmall period to the duration of the republick. For there is no nation, which we have reaſon to fear; no king, who can make war upon the Roman people. All diſturbances abroad, both by land and ſea, are quelled by the virtue of one man. But a domeſtick war ſtill remains: the treaſon, the danger, the enemy is within. We are to combat with luxury, with madneſs, with villainy. In this war I profeſs myſelf your leader, and take upon myſelf all the animoſity of the deſperate. Whatever can poſſibly be healed, I will heal; but what ought to be cut off, I will never ſuffer to ſpread to the ruin of the city. Let them therefore depart, or be at reſt; but if they are reſolved both to remain in the city, and continue their wonted practices, let them look for the puniſhment they deſerve.

SECT. VI. But ſome there are, Romans, who aſſert, that I have driven Catiline into baniſhment. And indeed, could words compaſs it, I would not ſcruple to drive them into exile too. Catiline, to be ſure, was ſo very timorous and modeſt, that he could not ſtand the words of the conſul; but being ordered into baniſhment, immediately acquieſced and obeyed. Yeſterday, when I ran ſo great a hazard of being murdered in my own houſe, I aſſembled the ſenate in the temple of Jupiter Stator, and laid the whole affair before the conſcript fathers. When Catiline came thither, did ſo much as one ſenator accoſt or ſalute him? In fine, did they regard him only as a deſperate citizen, and not rather as an outrageous enemy. Nay, the conſular ſenators quitted that part of the houſe where he ſate, and left the whole bench clear to him. Here I, that violent conſul, who by a ſingle word drive citizens into baniſhment, demanded of Catiline, whether he had or had not been at the nocturnal meeting in the houſe of M. Lecca. And when he, the moſt audacious of men, ſtruck dumb by ſelf-conviction, returned no anſwer, I laid open the whole to the ſenate; acquainting them with the tranſactions of that night, where he had been, what

docui; cum hæſitaret, cum teneretur; quæſivi quid dubitaret eo proficiſci, quo jampridem pararat: cum arma, cum ſecures, cum faſces, cum tubas, cum ſigna militaria, cum aquilam illam argenteam, cui ille etiam ſacrarium ſcelerum domi ſuæ fecerat, ſcirem eſſe præmiſſam. In exilium ejiciebam, quem jam ingreſſum eſſe in bellum videbam? Etenim, credo, Manlius iſte, centurio, qui in agro Feſulano caſtra poſuit, bellum populo Romano ſuo nomine indixit: & illa caſtra nunc non Catilinam ducem exſpectant: & ille ejectus in exilium, ſe (7.) Maſſiliam, ut aiunt, non in hæc caſtra conferet.

VII. O conditionem miſeram non modo adminiſtrandæ, verum etiam conſervandæ reipublicæ! nunc ſi L. Catilina conſiliis, laboribus, periculis meis circumcluſus ac debilitatus ſubito pertimuerit, ſententiam mutaverit, deſeruerit ſuos, conſilium belli faciundi abjecerit, ex hoc curſu ſceleris & belli, iter ad fugam atque exilium converterit; non ille à me ſpoliatus armis audaciæ, non obſtupefactus ac perterritus mea diligentia, non de ſpe conatuque depulſus, ſed indemnatus, innocens, in exilium ejectus à conſule, vi & minis eſſe dicetur: & erunt, qui illum, ſi hoc fecerit, non improbum, ſed miſerum: me non diligentiſſimum conſulem, ſed crudeliſſimum tyrannum exiſtimari velint. Eſt mihi tanti, Quirites, hujus invidiæ falſæ atque iniquæ tempeſtatem ſubire, dummodo à vobis hujus horribilis belli ac nefarii periculum depellatur. Dicatur ſane ejectus eſſe à me, dummodo eat in exilium; ſed mihi credite, non eſt iturus. Nunquam ego à Diis immortalibus optabo, Quirites, invidiæ meæ levandæ cauſa, ut L. Catilinam ducere exercitum hoſtium, atque in armis volitare audietis: ſed triduo tamen audietis: multoque magis illud timeo, ne mihi ſit invidioſum aliquando, quod illum emiſerim potius, quam quod ejecerim. Sed cum ſint homines, qui illum, cum profectus ſit, ejectum eſſe dicant; iidem, ſi interfectus eſſet, quid dicerent? Quanquam iſti, qui Catilinam Maſſiliam ire dictitant, non tam hoc queruntur, quam verentur. Nemo eſt iſtorum tam miſericors, qui illum non ad Manlium, quam ad Maſſilienſes ire malit. Ille autem, ſi, mehercule, hoc, quod agit, nunquam ante cogitaſſet, tamen latrocinantem ſe interfici mallet,

NOTES.

(7.) *Maſſiliam.*] We learn from Saluſt, that Catiline, upon his leaving Rome, wrote letters to ſome of the moſt conſiderable ſenators, informing them, that being perſecuted with falſe accuſations, and finding himſelf unable to reſiſt the faction of his enemies, he had thought proper to retire to Marſeilles; not from a conſciouſneſs of any guilt, but to prevent the diſputes that otherwiſe might be raiſed on his account. Marſeilles was a celebrated city of Narboneſe Gaul, renowned for the learning and politeneſs of its inhabitants, and of whoſe fidelity and attachment to the Roman commonwealth, Cicero makes ample mention in his ſecond book of offices.

was reſerved for the next, and how he had ſettled the whole plan of the war. As he appeared diſconcerted and ſpeechleſs, I aſked what hindered his going upon an expedition, which he had ſo long prepared for; when I knew that he had already ſent before him arms, axes, rods, trumpets, military enſigns, and that ſilver eagle, to which he had raiſed an impious altar in his own houſe. Can I be ſaid to have driven into baniſhment a man who had already commenced hoſtilities againſt his country? Or is it credible that Manlius, an obſcure centurion, who has pitched his camp upon the plains of Feſulæ, would declare war againſt the Roman people in his own name: that the forces under him do not now expect Catiline for their general: or that he, ſubmitting to a voluntary baniſhment, has, as ſome pretend, repaired to Marſeilles, and not to the before-mentioned camp?

SECT. VII. O wretched condition, not only of governing, but even of preſerving the ſtate. For ſhould Catiline, diſcouraged and diſconcerted by my counſels, vigilance, and ſtrenuous care of the republick, be ſeized with a ſudden dread, change his reſolution, deſert his party, quit his hoſtile deſigns, and alter his courſe of war and guilt, into that of flight and baniſhment; it will not then be ſaid, that I have wreſted out of his hands the weapons of inſolence, that I have aſtoniſhed and confounded him by my diligence, and that I have driven him from all his hopes and ſchemes: but he will be conſidered as a man innocent and uncondemned, who has been forced into baniſhment by the threats and violence of the conſul. Nay there are, who in this event, would think him not wicked, but unhappy; and me not a vigilant conſul, but a cruel tyrant. But I little regard this ſtorm of bitter and undeſerved cenſure, provided I can ſcreen you from the danger of this dreadful and impious war. Let him only go into baniſhment, and I am content it be aſcribed to my threats. But believe me, he has no deſign to go. My deſire of avoiding publick envy, Romans, ſhall never induce me to wiſh you may hear of Catiline's being at the head of an army, and traverſing in a hoſtile manner the territories of the republick. But aſſuredly you will hear it in three days; and I have much greater reaſon to fear being cenſured for letting him eſcape, than that I forced him to quit the city. But if men are ſo perverſe as to complain of his being driven away, what would they have ſaid if he had been put to death? Yet there is not one of thoſe who talk of his going to Marſeilles, but would be ſorry for it if it was true; and with all the concern they expreſs for him, they had much rather hear of his being in Manlius's camp. As for himſelf, had he never before thought of the project he is now engaged in, yet ſuch is his particular turn of mind, that he would rather fall as a robber, than

live

let, quam exſulem vivere; nunc vero, cum ei nihil adhuc præter ipſius voluntatem cogitationemque acciderit, niſi quod vivis nobis Roma profectus eſt; optemus potius, ut eat in exilium, quàm queramur.

VIII. Sed cur tamdiu de uno hoſte loquimur, & de eo hoſte qui jam fatetur ſe eſſe hoſtem, & quem, quia, quod ſemper volui, murus intereſt, non timeo: de his qui diſſimulant, qui Romæ remanent, qui nobiſcum ſunt, nihil dicimus? quos quidem ego, ſi ullo modo fieri poſſet, non tam ulciſci ſtudeo, quam ſanare, & ipſos placare reipub. neque, id quare fieri non poſſit, ſi me audire voluerint, intelligo. Exponam enim vobis, Quirites, ex quibus generibus hominum iſtæ copiæ comparentur: deinde ſingulis medicinam conſilii, atque orationis meæ, ſi quam potero, afferam. (8.) Unum genus eſt eorum, qui magno in ære alieno majores etiam poſſeſſiones habent, quarum amore adducti diſſolvi nullo modo poſſunt. Horum hominum ſpecies eſt honeſtiſſima: ſunt enim locupletes: voluntas vero, & cauſa impudentiſſima. Tu agris, ædificiis, tu argento, tu familia, tu rebus omnibus ornatus & copioſus ſis, & dubites aliquid de poſſeſſione detrahere, ac fidem acquirere? quid enim exſpectas? bellum? quid? ergo in vaſtatione omnium, tuas poſſeſſiones ſacroſanctas futuras putas? an tabulas novas? errant qui iſtas à Catilina exſpectant; meo beneficio tabulæ novæ proferentur, verum auctionariæ. Neque enim iſti qui poſſeſſiones habent, alia ratione ulla ſalvi eſſe poſſunt. Quod ſi maturius facere voluiſſent, neque (id quod ſtultiſſimum eſt) certare cum uſuris fructibus prædiorum, locupletioribus his, & melioribus civibus uteremur. Sed hoſce homines minime puto pertimeſcendos, quod aut deduci de ſententia poſſunt, aut, ſi permanebunt, magis mihi videntur vota facturi contra remp. quam arma laturi.

IX. Alterum (9.) genus eſt eorum, qui, quanquam præmuntur ære alieno, dominationem tamen exſpectant: rerum potiri volunt: honores,

NOTES.

(8.) *Unum genus eſt eorum.*] Cicero here takes a view of Catiline's forces, and obſerves that they were compoſed of ſix different claſſes of men, to all whom he gives advice ſuited to their circumſtances; and which he ſhews will be infinitely more for their advantage, than the deſperate meaſures they had ſo raſhly engaged in. We ſhall treat of them in order. The firſt are thoſe, who having large eſtates, but conſiderably encumbered with debt, would fain get rid of the latter, without diveſting themſelves of any part of the former. Theſe he adviſes to ſell part of their poſſeſſions, and by that means diſengage themſelves from the load of debt they lay under; promiſing them all the aſſiſtance in his power to bring about ſo ſalutary an end, which would not only make them eaſy for the preſent, but eſtabliſh and ſtrengthen their credit for the time to come.

(9.) *Alterum genus eſt eorum.*] The ſecond cohort of Catiline's legion, if we may ſo expreſs ourſelves, was made up of men, who being deeply involved in debt, without any eſtates or poſſeſſions to anſwer the demands of their creditors, turned all their thoughts

live as an exile. But now, as nothing has happened contrary to his expectation and desire, except that I was left alive when he quitted Rome; let us rather wish he may go into banishment, than complain of it.

SECT. VIII. But why do I speak so much about one enemy? An enemy too, who has openly proclaimed himself such; and whom I no longer dread, since, as I always wished, there is now a wall between us. Shall I say nothing of those who dissemble their treason, who continue at Rome, and mingle in our assemblies? With regard to these, indeed, I am less intent upon vengeance, than to reclaim them, if possible, from their errors, and reconcile them to the republick. Nor do I perceive any difficulty in the undertaking, if they will but listen to my advice. For first I will shew you, citizens, of what different sorts of men their forces consist, and then apply to each, as far as I am able, the most powerful remedies of persuasion and eloquence. The first sort consists of those, who having great debts, but still greater possessions, are so passionately fond of the latter, that they cannot bear the thought of infringing them. This, in appearance, is the most honourable class, for they are rich: but their intention and aim is the most infamous of all. Art thou distinguished by the possession of an estate, houses, money, slaves, and all the conveniencies and superfluities of life; and dost thou scruple to take from thy possessions, in order to add to thy credit? For what is it thou expectest? is it war? and dost thou hope thy possessions will remain unviolated, amidst an universal invasion of property? Is it new regulations about debts thou hast in view? 'Tis an error to expect this from Catiline. New regulations shall indeed be proffered by my means, but attended with publick auctions, which is the only method to preserve those who have estates from ruin. And had they consented to this expedient sooner, nor foolishly run out their estates in mortgages, they would have been at this day both richer men, and better citizens. But I have no great dread of this class of men, as believing they may be easily disengaged from the conspiracy; or, should they persist, they seem more likely to have recourse to imprecations than arms.

SECT. IX. The next class consists of those, who though oppressed with debt, yet hope for power, and aspire at the chief management

NOTES.

thoughts to the attainment of honours, dignities, and the command of armies and provinces. This put them upon plotting against the state, in order to create confusion and disorder, as being very sensible, that they could never hope to see the accomplishment of their wishes, while the republick continued in a state of tranquillity.

honores, quos, quieta repub. desperant, perturbata consequi se posse arbitrantur. Quibus hoc præcipiendum videtur, unum scilicet & idem, quod cæteris omnibus, ut desperent se id, quod conantur, consequi posse: primum omnium me ipsum vigilare, adesse, providere reipub. deinde magnos animos esse in bonis viris, magnam concordiam, maximam multitudinem: magnas præterea copias militum: deos denique immortales huic invicto populo, clarissimo imperio, pulcherrimæ urbi, contra tantam vim sceleris, præsentes auxilium esse laturos. Quod si jam sint id, quod cum summo furore cupiunt, adepti; num illi in cinere urbis, & sanguine civium, quæ mente conscelerata ac nefaria concupierunt, se consules ac dictatores, aut etiam reges sperant futuros? non vident id se cupere, quo si adepti fuerint, fugitivo alicui, aut gladiatori concedi sit necesse? (10.) Tertium genus est ætate jam confectum, exercitatione robustum: quo ex genere est ipse Manlius, cui nunc Catilina successit. Hi sunt homines ex his coloniis, quas Fesulis Sulla constituit: quas ego universas civium esse optimorum, & fortissimorum virorum sentio: sed tamen hi sunt coloni, qui se insperatis repentinisque pecuniis sumptuosius insolentiusque jactarunt, hi dum ædificant tanquam beati, dum prædiis, lecticis, familiis magnis, conviviis, apparatibus delectantur, in tantum æs alienum inciderunt, ut, si salvi esse velint, Sulla sit iis ab inferis excitandus: qui etiam nonnullos agrestes homines tenues atque egentes, in eandem istam spem rapinarum veterum impulerunt. Quos ego utrosque, Quirites, in eodem genere prædatorum direptorumque pono. Sed eos hoc moneo, desinant furere, & proscriptiones, & dictaturas cogitare. Tantus enim illorum temporum dolor inustus est civitati, ut jam ista non modo homines, sed ne pecudes quidem mihi passuræ esse videantur.

X. Quartum (11.) genus est sane varium, & mistum, & turbulentum; qui jampridem premuntur; qui nunquam emergent: qui partim

NOTES.

(10.) *Tertium genus est.*] The two former classes were made up of men, who indeed wished well to the conspiracy, yet thought not proper to declare themselves openly, or appear in arms against the state. The set he now mentions consisted mostly of old soldiers, who upon the conclusion of the civil war, had been settled in different parts of Italy, where lands were assigned them by Sylla, out of the confiscated estates of those who had opposed him. These having squandered away in riot and excess, what they had acquired by rapine and oppression, desired nothing so much as a new civil war, that they might a second time enrich themselves with the spoils of their country. Accordingly they eagerly embraced the present opportunity, and formed much the greater number of those, who were now in arms in Manlius's camp.

(11.) *Quartum genus.*] The enumeration Cicero here makes of the conspirators is conceived with great art, and admirably calculated to beget that detestation and horror, with which he meant to inspire the minds of his hearers. First, we have a tribe of men immersed in debt, but rivetted to their possessions. Secondly, men of ruined fortunes, who aspire after honors and commands, that by oppressing the allies and subjects of the commonwealth, they may in some measure retrieve

ment of publick affairs; imagining they ſhall obtain thoſe honours by throwing the ſtate into confuſion, which they deſpair of during its tranquillity. To theſe I ſhall give the ſame advice as to the reſt, which is, to quit all hope of ſucceeding in their attempts. For firſt I myſelf am watchful, active, and attentive to the intereſt of the republick: then there is on the ſide of the honeſt party, great courage, great unanimity, a vaſt multitude of citizens, and very numerous forces: in fine, the immortal gods themſelves will not fail to interpoſe in behalf of this unconquered people, this illuſtrious empire, this fair city, againſt the daring attempts of guilty violence. And even ſuppoſing them to accompliſh what they with ſo much frantic rage deſire, do they hope to ſpring up conſuls, dictators, or kings, from the aſhes of a city, and blood of her citizens, which with ſo much treachery and ſacrilege they have conſpired to ſpill? They are ignorant of the tendency of their own deſires, and that in caſe of ſucceſs, they muſt themſelves fall a prey to ſome fugitive or gladiator. The third claſs conſiſts of men of advanced age, but hardened in all the exerciſes of war. Of this ſort is Manlius, whom Catiline now ſucceeds. Theſe come moſtly from the colonies planted by Sylla at Feſulæ; which, I am ready to allow, conſiſt of the beſt citizens, and the braveſt men: but coming many of them to the ſudden and unexpected poſſeſſion of great wealth, they run into all the exceſſes of luxury and profuſion. Theſe, by building fine houſes, by affluent living, ſplendid equipages, numerous attendants, and ſumptuous entertainments, have plunged themſelves ſo deeply in debt, that in order to retrieve their affairs, they muſt recal Sylla from his tomb. I ſay nothing of thoſe needy indigent ruſticks, whom they have gained over to their party, by the hopes of ſeeing the ſcheme of rapine renewed: for I conſider both in the ſame light of robbers and plunderers. But I adviſe them to drop their frantic ambition, and think no more of dictatorſhips and proſcriptions. For ſo deep an impreſſion have the calamities of thoſe times made upon the ſtate, that not only men, but the very beaſts would not bear a repetition of ſuch outrages.

SECT. X. The fourth is a mixt, motly, mutinous tribe, who have been long ruined beyond hopes of recovery; and partly through indolence, partly through ill management, partly too through extravagance,

NOTES.

retrieve their affairs. Thirdly, Sylla's veteran ſoldiers, who wanted to renew the rapines and devaſtations of the former civil war. Fourthly, a number of town debauchees. Fifthly, a collection of parricides, cut-throats and ruffians. And laſtly, the whole troop of gameſters, whoremaſters, and ſharpers of every denomination.

(12.)

partim inertia, partim male gerendo negotio, partim etiam ſumptibus, in vetere ære alieno vacillant: qui vadimoniis, judiciis, proſcriptionibus bonorum defatigati, permulti & ex urbe, & ex agris ſe in illa caſtra conferre dicuntur. Hoſce ego non tam milites acres, quàm inſidiatores lentos eſſe arbitror; qui homines primum ſi ſtare non poſſunt, corruant: ſed ita, ut non modo civitas, ſed ne vicini quidem proximi ſentiant; nam illud non intelligo, quamobrem, ſi vivere honeſte non poſſunt, perire turpiter velint: aut cur minore dolore perituros ſe cum multis, quàm ſi ſoli pereant, arbitrentur. Quintum genus eſt parricidarum, ſicariorum, denique omnium facinoroſorum: quos ego à Catilina non revoco; nam neque divelli ab eo poſſunt: & pereant ſane in latrocinio, quoniam ſunt ita multi, ut eos capere carcer non poſſit. Poſtremum autem genus eſt, non ſolum numero, verum etiam genere ipſo, atque vitâ, quod proprium eſt Catilinæ, de ejus delectu, immo verò de complexu ejus ac ſinu: quos pexo capillo nitidos, aut imberbes, aut bene barbatos videtis; manicatis & talaribus tunicis; velis amictos, non togis: quorum omnis induſtria vitæ, & vigilandi labor, in antelucanis cœnis expromitur. In his gregibus omnes aleatores, omnes adulteri, omnes impuri, impudicique verſantur. Hi pueri tam lepidi ac delicati, non ſolum amare, & amari, neque cantare, & ſaltare, ſed etiam ſicas vibrare, & ſpargere venena didicerunt: qui niſi exeunt, niſi pereunt, etiam ſi Catilina perierit, ſcitote hoc in repub. ſeminarium Catilinarium futurum. Verumtamen quid ſibi iſti miſeri volunt? num ſuas ſecum mulierculas ſunt in caſtra ducturi? quemadmodum autem illis carere poterunt, his præſertim jam noctibus? quo autem pacto illi Apenninum, atque illas pruinas ac nives perferent? niſi idcirco ſe facilius hiemem toleraturos putant, quod nudi in conviviis ſaltare didicerunt. O bellum magnopere pertimeſcendum, cum hanc ſit habiturus Catilina ſcortatorum (12.) cohortem prætoriam!

XI. Inſtruite nunc, Quirites, contra has tam præclaras Catilinæ copias veſtra præſidia, veſtroſque exercitus: & primum gladiatori illi confecto & ſaucio conſules imperatoreſque veſtros opponite: deinde contra illam naufragorum ejectam ac debilitatam manum, florem totius Italiæ ac robur educite. Jam vero urbes coloniarum ac municipiorum reſpondebunt (13.) Catilinæ tumulis ſilveſtribus; neque

NOTES.

(12.) *Cohortem prætoriam.*] The prætorian cohort was a ſelect body of troops, whoſe buſineſs it was to attend upon the general, and ſerve him by way of a guard. As commanders in chief were anciently called *prætores, a præeundo*, we ſee hence the reaſon of the name. Scipio Africanus was the author of this inſtitution among the Romans, ſelecting the braveſt men of the army for that purpoſe. Theſe formed afterwards the prætorian bands under the emperors.

13. *Catilinæ tumulis ſilveſtribus.*] *Tumulus* comes *a tumendo*, for wherever the earth ſwells, there we have a riſing ground, or *tumulus*. In ſome old manuſcripts we read *cumulis*, and this ſeems to me to be the better reading

vagance, droop beneath a load of ancient debt: who, perſecuted with arreſts, judgments, and confiſcations, are ſaid to reſort in great numbers, both from city and country, to the enemy's camp. Theſe I conſider, not as brave ſoldiers, but diſpirited bankrupts. If they cannot ſupport themſelves, let them even fall; yet ſo, that neither the city nor neighbourhood may receive any ſhock. For I am unable to perceive why, if they cannot live with honour, they ſhould chuſe to die with infamy: or why they ſhould fancy it leſs painful to die in company with others, than to periſh by themſelves. The fifth ſort is a collection of parricides, aſſaſſins, and ruffians of all kinds; whom I aſk not to abandon Catiline, as knowing them to be inſeparable. Let theſe even periſh in their robberies, ſince their number is ſo great, that no priſon could be found large enough to contain them. The laſt claſs, not only in this enumeration, but likewiſe in character and morals, are Catiline's peculiar aſſociates, his choice companions, and boſom friends; ſuch as you ſee with curled locks, neat array, beardleſs, or with beards nicely trimmed; in full dreſs, in flowing robes, and wearing mantles inſtead of gowns; whoſe whole labour of life, and induſtry in watching, are exhauſted upon midnight entertainments. Under this claſs we may rank all gameſters, whoremaſters, and the lewd and luſtful of every denomination. Theſe ſlim delicate youths, practiſed in all the arts of raiſing and allaying the amorous fire, not only know to ſing and dance, but on occaſion can aim the murdering dagger, and adminiſter the poiſonous draught. Unleſs theſe depart, unleſs theſe periſh, know, that was even Catiline himſelf to fall, we ſhall ſtill have a nurſery of Catilines in the ſtate. But what can this miſerable race have in view? Do they propoſe to carry their wenches along with them to the camp? Indeed, how can they be without them theſe cold winter nights? But have they conſidered of the Appennine froſts and ſnows? or do they imagine they will be the abler to endure the rigours of winter, for having learned to dance naked at revels? O formidable and tremendous war, where Catiline's prætorian guard conſiſts of ſuch a diſſolute effeminate crew.

SECT. XI. Againſt theſe gallant troops of your adverſary, prepare, O Romans, your garriſons and armies: and firſt, to that battered and maimed gladiator, oppoſe your conſuls and generals: next, againſt that outcaſt miſerable crew, lead forth the flower and ſtrength of all Italy. The walls of our colonies and free towns will eaſily reſiſt the efforts of Catiline's ruſtick troops. But I ought not to run the parallel further, or compare your other re-

NOTES.

reading of the two: for it was natural enough in Cicero, to call that promiſcuous multitude of ruſticks, aſſembled together in haſte, *cumulos ſilveſtres.*

neque vero cæteras copias, ornamenta, præſidia veſtra, cum illius latronis inopia atque egeſtate conferre debeo. Sed ſi, omiſſis his rebus omnibus, quibus nos ſuppeditamus, eget ille, Senatu, equitibus Romanis, populo, urbe, ærario, vectigalibus, cuncta Italia, provinciis omnibus, exteris nationibus: ſi, inquam, his rebus omiſſis, ipſas cauſas, quæ inter ſe confligunt, contendere velimus, ex eo ipſo, quàm valde illi jaceant, intelligere poſſumus. Ex hac enim parte pudor pugnat, illinc petulantia: hinc pudicitia, illinc ſtuprum: hinc fides, illinc fraudatio: hinc pietas, illinc ſcelus: hinc conſtantia, illinc furor: hinc honeſtas, illinc turpitudo: hinc continentia, illinc libido: hinc denique æquitas, temperantia, fortitudo, prudentia, virtutes omnes certant cum iniquitate, cum luxuria, cum ignavia, cum temeritate, cum vitiis omnibus: poſtremo copia cum egeſtate, bona ratio cum perdita, mens ſana cum amentia, bona denique ſpes cum omnium rerum deſperatione confligit. In hujuſmodi certamine ac prœlio, nonne, etiamſi hominum ſtudia deficiant, dii ipſi immortales cogent ab his præclariſſimis virtutibus tot & tanta vitia ſuperari?

XII. Quæ cum ita ſint, Quirites; vos, quemadmodum jam antea dixi, veſtra tecta cuſtodiis vigiliiſque defendite: mihi, ut urbi ſine veſtro motu ac ſine ullo tumultu, ſatis eſſet præſidii, conſultum ac proviſum eſt. Coloni omnes, municipeſque veſtri, certiores à me facti de hac nocturna excurſione Catilinæ, facile urbes ſuas, fineſque defendent: gladiatores, quam ſibi ille maximam manum, & certiſſimam fore putavit, quanquam meliore animo ſunt, quam pars Patriciorum, poteſtate tamen noſtra continebuntur. Q. Metellus, quem ego proſpiciens hoc, in agrum Gallicanum Picenumque præmiſi, aut opprimet hominem, aut omnes ejus motus conatuſque prohibebit; reliquis autem de rebus conſtituendis, maturandis, agendis, jam ad Senatum referemus, quem vocari videtis. Nunc illos qui in urbe remanſerunt, atque adeo qui contra urbis ſalutem, omniumque veſtrum, in urbe à Catilina relicti ſunt, quanquam ſunt hoſtes, tamen quia nati ſunt cives, monitos etiam atque etiam volo. Mea lenitas adhuc ſi cui ſolutior viſa eſt, hoc exſpectavit, ut id quod latebat, erumperet. Quod reliquum eſt, jam non poſſum obliviſci, meam hanc eſſe patriam, me horum eſſe conſulem: mihi aut cum his vivendum, aut pro his eſſe moriendum; nullus eſt portæ cuſtos, nullus inſidiator viæ: ſi qui exire volunt, conſulere ſibi poſſunt: qui

ſources, preparations, and defences, to the indigence and nakedneſs of that robber. But if omitting all thoſe advantages of which we are provided, and he deſtitute, as the ſenate, the Roman knights, the people, the city, the treaſury, the publick revenues, all Italy, all the provinces, foreign ſtates: I ſay, if omitting all theſe, we only compare the contending parties between themſelves, it will ſoon appear how very low our enemies are reduced. On the one ſide modeſty contends, on the other petulance: here chaſtity, there pollution: here integrity, there treachery: here piety, there profaneneſs: here reſolution, there rage: here honour, there baſeneſs: here moderation, there unbridled licentiouſneſs: in ſhort, equity, temperance, fortitude, prudence, ſtruggle with iniquity, luxury, cowardice, raſhneſs; every virtue with every vice. Laſtly, the conteſt lies between wealth and indigence, ſound and depraved reaſon, ſtrength of underſtanding and frenzy; in fine, between well-grounded hope, and the moſt abſolute deſpair. In ſuch a conflict and ſtruggle as this, was even human aid to fail, will not the immortal gods enable ſuch illuſtrious virtue to triumph over ſuch complicated vice?

SECT. XII. Such, Romans, being our preſent ſituation, do you, as I have before adviſed, watch and keep guard in your private houſes: for as to what concerns the publick tranquillity, and the defence of the city, I have taken care to ſecure that, without tumult or alarm. The colonies and municipal towns, having received notice from me of Catiline's nocturnal retreat, will be upon their guard againſt him. The band of gladiators, whom Catiline always depended upon as his beſt and ſureſt ſupport, though in truth they are better affected than ſome part of the patricians, are nevertheleſs taken care of in ſuch a manner, as to be in the power of the republick. Q. Metellus the prætor, whom, foreſeeing Catiline's flight, I ſent into Gaul and the diſtrict of Picenum, will either wholly cruſh the traitor, or baffle all his motions and attempts. And to ſettle, ripen, and bring all other matters to a concluſion, I am juſt going to lay them before the ſenate, which you ſee now aſſembling. As for thoſe therefore who continue in the city, and were left behind by Catiline, for the deſtruction of it and us all; though they are enemies, yet as by birth they are likewiſe fellow-citizens, I again and again admoniſh them, that my lenity, which to ſome may have rather appeared remiſsneſs, has been waiting only for an opportunity of demonſtrating the certainty of the plot. As for the reſt, I ſhall never forget that this is my country, that I am its conſul, and that I think it my duty either to live with my countrymen, or die for them. There is no guard upon the gates, none to watch the roads; if any one has a mind to withdraw himſelf,

qui vero in urbe ſe commoverit, cujus ego non modo factum, ſed inceptum ullum conatumve contra patriam deprehendero, ſentiet in hac urbe eſſe conſules vigilantes, eſſe egregios magiſtratus, eſſe ſortem Senatum, eſſe arma, eſſe (14.) carcerem: quem vindicem nefariorum ac manifeſtorum ſcelerum majores noſtri eſſe voluerunt.

XIII. Atque hæc omnia ſic agentur, Quirites, ut res maximæ minimo motu, pericula ſumma nullo tumultu, bellum inteſtinum ac domeſticum, poſt hominum memoriam crudeliſſimum ac maximum, (15.) me uno togato duce & imperatore, ſedetur; quod ego ſic adminiſtrabo, Quirites, ut, ſi ullo modo fieri poterit, ne improbus quidem quiſquam in hac urbe pœnam ſui ſceleris ſufferat. Sed ſi vis manifeſtæ audaciæ, ſi impendens patriæ periculum me neceſſariò de hac animi lenitate deduxerint, illud profecto perficiam, quod in tanto & tam inſidioſo bello vix optandum videtur, ut ne quis bonus intereat, paucorumque pœna vos omnes jam ſalvi eſſe poſſitis. Quæ quidem ego neque mea prudentia, neque humanis conſiliis fretus polliceor vobis, Quirites; ſed multis & (16.) non dubiis deorum immortalium ſignificationibus, quibus ego ducibus in hanc ſpem ſententiamque ſum ingreſſus: qui jam non procul, ut quondam ſolebant, ab extero hoſte atque longinquo, ſed hîc præſentes ſuo numine atque auxilio ſua templa, atque urbis tecta defendunt: quos vos, Quirites, precari, venerari, atque implorare debetis: ut quam urbem pulcherrimam, florentiſſimam, potentiſſimamque eſſe voluerunt, hanc omnibus hoſtium copiis terra marique ſuperatis, à perditiſſimorum civium nefario ſcelere defendant.

ORA-

NOTES.

(14.) *Carcerem vindicem nefariorum.*] Ulpian tells us, that the priſon was built, not for the puniſhment of bad citizens, but to be a check upon them, and prevent all occaſions of puniſhment. Cicero here maintains the direct contrary, and aſſerts that the great deſign of it was, that guilt and impiety might not eſcape due vengeance. Both theſe ends are very compatible, and ought doubtleſs to be conſidered jointly in the preſent caſe. The priſon was built in a conſpicuous part of the city, that where a principle of conſcience was not ſufficient to reſtrain men, they might be awed by having this object of terror conſtantly before their eyes. But if notwithſtanding ſo powerful a monitor, they were ſo far ſwayed by their corrupt inclinations, as to violate the laws of their country, they thereby rendered themſelves obnoxious to the demands of juſtice; and what was primarily intended only to reſtrain men, and prevent the commiſſion of crimes, became, after they were committed, a place of ſuffering and puniſhment.

(15.) *Me uno togato duce et imperatore.*] The conſuls, before their ſetting out on any military expedition, uſed to put off their gowns, and put on their military dreſs, with great ceremony and publick ſacrifices. Cicero tells them, his ſcheme for ſuppreſſing the conſpiracy was ſo well laid, that without changing his gown, the dreſs of peace, he would quell all the diſturbance.

(16.) *Non dubiis deorum immortalium ſignificationibus.*] Plutarch, in his life of Cicero, tells us, that while Terentia, the orator's wife, with the veſtal virgins, and the principal matrons of Rome, were ſacrificing, according to annual cuſtom, to the goddeſs Bona, a bright flame iſſued ſuddenly from the

ſelf, he may go wherever he pleaſes. But whoever makes the leaſt ſtir within the city, ſo as to be caught not only in any overt act, but even in any plot or attempt againſt the republick; he ſhall know, that there are in it vigilant conſuls, excellent magiſtrates, and a reſolute ſenate; that there are arms, and a priſon, which our anceſtors provided as the avenger of manifeſt and atrocious crimes.

SECT. XIII. And all this ſhall be tranſacted in ſuch a manner, citizens, that the greateſt diſorders ſhall be quelled without the leaſt hurry; the greateſt dangers without any tumult; a domeſtick and inteſtine war, the moſt cruel and deſperate of any in our memory, by me your only leader and general in my gown; which I will manage ſo, that, as far as it is poſſible, not one even of the guilty ſhall ſuffer puniſhment in the city: but if their audaciouſneſs and my country's danger ſhould neceſſarily drive me from this mild reſolution; yet I will effect, what in ſo cruel and treacherous a war could hardly be hoped for, that not one honeſt man ſhall fall, but all of you be ſafe by the puniſhment of a few. This I promiſe, citizens, not from any confidence in my own prudence, or from any human counſels, but from the many evident declarations of the gods, by whoſe impulſe I am led into this perſuaſion; who aſſiſt us, not as they uſed to do, at a diſtance, againſt foreign and remote enemies, but by their preſent help and protection defend their temples and our houſes. It is your part therefore, citizens, to worſhip, implore, and pray to them, that ſince all our enemies are now ſubdued both by land and ſea, they would continue to preſerve this city, which was deſigned by them for the moſt beautiful, the moſt flouriſhing and moſt powerful on earth, from the deteſtable treaſons of its own deſperate citizens.

NOTES.

the altar, to the aſtoniſhment of the whole company. Many other prodigies happened during the courſe of the conſpiracy, of all which Cicero makes frequent mention in his ſpeeches: for it was of great uſe to him, to poſſeſs the minds of the people, as ſtrongly as he could, with an apprehenſion of their danger, for the ſake of diſpoſing them the more eaſily to approve his conduct, and concur with him in whatever meaſures he ſhould think neceſſary for the publick ſafety. He alſo improves this circumſtance to animate the people, by repreſenting the gods as intereſting themſelves particularly in their preſervation, and pointing out to them the courſe they were to purſue.

ORA-

ORATIO VI.

3. In L. CATILINAM *.

I. REMPUBLICAM, Quirites, vitamque omnium veſtrûm, bona, fortunas, conjuges, liberoſque veſtros, atque hoc domicilium clariſſimi imperii, fortunatiſſimam pulcherrimamque urbem, hodierno die, deorum immortalium ſummo erga vos amore, laboribus,

NOTES.

* Catiline, as we have ſeen, being forced to leave Rome; Lentulus, and the reſt, who remained in the city, began to prepare all things for the execution of their grand deſign. They ſolicited men of all ranks, who ſeemed likely to favour their cauſe, or to be of any uſe to it; and among the reſt, agreed to make an attempt on the ambaſſadors of the Allobrogians, a warlike, mutinous, faithleſs people, inhabiting the countries now called Savoy and Dauphiny, greatly diſaffected to the Roman power, and already ripe for rebellion. Theſe ambaſſadors, who were preparing to return home, much out of humour with the ſenate, and without any redreſs of the grievances which they were ſent to complain of, received the propoſal at firſt very greedily, and promiſed to engage their nation to aſſiſt the conſpirators with what they principally wanted, a good body of horſe, whenever they ſhould begin the war: but reflecting afterwards, in their cooler thoughts, on the difficulty of the enterprize, and the danger of involving themſelves and their country in ſo deſperate a cauſe, they reſolved to diſcover what they knew to Q. Fabius Sanga, the patron of their city, who immediately gave intelligence of it to the conſul. Cicero's inſtructions upon it were, that the ambaſſadors ſhould continue to feign the ſame zeal which they had hitherto ſhewn, and promiſe every thing which was required of them, till they had got a full inſight into the extent of the plot, with diſtinct proofs againſt the particular actors in it: upon which, at their next conference with the conſpirators, they inſiſted on having ſome credentials from them to ſhew to their people at home, without which they would never be induced to enter into an engagement ſo hazardous. This was thought reaſonable, and preſently complied with, and Vulturcius was appointed to go along with the ambaſſadors, and introduce them to Catiline on their road, in order to confirm the agreement, and exchange aſſurances alſo with him; to whom Lentulus ſent at the ſame time a particular letter under his own hand and ſeal, though without his name. Cicero being punctually informed of all theſe facts, concerted privately with the ambaſſadors the time and manner of their leaving Rome in the night, and that on the Milvian bridge, about a mile from the city, they ſhould be arreſted with their papers and letters about them, by two of the prætors, L. Flaccus and C. Pontinius, whom he had inſtructed for that purpoſe, and ordered to lie in ambuſh near the place, with a ſtrong guard of friends and ſoldiers: all which was ſucceſsfully executed, and the whole company brought priſoners to Cicero's houſe by break of day. The rumor of this accident preſently drew a reſort of Cicero's principal friends about him, who adviſed him to open the letters before he produced them in the ſenate, leſt if nothing of moment were found in them, it might be thought raſh and imprudent to raiſe an unneceſſary terror

ORATION VI.

3. Againſt CATILINE.

SECT. I. TO-Day, Romans, you behold the commonwealth, your lives, eſtates, fortunes, your wives and children, the auguſt ſeat of this renowned empire, this fair and flouriſhing city, preſerved and reſtored to you, reſcued from fire and ſword, and almoſt ſnatched from the jaws of fate, by the diſtinguiſhed love of the immortal gods towards you, and by means of my toils, counſels

NOTES.

terror and alarm through the city. But he was too well informed of the contents, to fear any cenſure of that kind; and declared, that in a caſe of publick danger, he thought it his duty to lay the matter entire before the publick council. He ſummoned the ſenate therefore to meet immediately, and ſent at the ſame time for Gabinius, Statilius, Cethegus, and Lentulus, who all came preſently to his houſe, ſuſpecting nothing of the diſcovery; and being informed alſo of a quantity of arms provided by Cethegus for the uſe of the conſpiracy, he ordered C. Sulpicius, another of the prætors, to go and ſearch his houſe, where he found a great number of ſwords and daggers, with other arms, all newly cleaned, and ready for preſent ſervice. With this preparation he ſet out to meet the ſenate in the temple of Concord, with a numerous guard of citizens, carrying the ambaſſadors and the conſpirators with him in cuſtody: and after he had given the aſſembly an account of the whole affair, the ſeveral parties were called in and examined, and an ample diſcovery made of the whole progreſs of the plot. After the criminals and witneſſes were withdrawn, the ſenate went into a debate upon the ſtate of the republick, and came unanimouſly to the following reſolutions: That publick thanks ſhould be decreed to Cicero in the ampleſt manner; by whoſe virtue, counſel, and providence, the republick was delivered from the greateſt dangers: that Flaccus and Pontinius the prætors, ſhould be thanked likewiſe, for their vigorous and punctual execution of Cicero's orders: that Antonius, the other conſul, ſhould be praiſed, for having removed from his counſels all thoſe who were concerned in the conſpiracy: that Lentulus, after having abdicated the prætorſhip, and diveſted himſelf of his robes; and Cethegus, Statilius, and Gabinius, with their other accomplices alſo when taken, Caſſius, Cæparius, Furius, Chilo, Umbrenus, ſhould be committed to ſafe cuſtody; and that a publick thankſgiving ſhould be appointed in Cicero's name, for his having preſerved the city from a conflagration, the citizens from a maſſacre, and Italy from a war. The ſenate being diſmiſſed, Cicero went directly into the Roſtra; and, in the following ſpeech, gave the people an account of the diſcovery that had been made, with the reſolutions of the ſenate conſequent thereupon.

bus, consiliis periculisque meis, ex flamma atque ferro, ac pene (1.) ex faucibus fati ereptam & vobis conservatam ac restitutam videtis. Et, si non minus nobis jucundi atque illustres sunt ii dies, quibus conservamur, quam illi, quibus nascimur; (2.) quod salutis certa lætitia est, nascendi incerta conditio; & quod sine sensu nascimur, cum voluptate conservamur: profecto, quoniam illum qui hanc urbem condidit, (3.) Romulum ad deos immortales benevolentia, famaque sustulimus; esse apud vos, posterosque vestros in honore debebit is, qui eandem hanc urbem conditam amplificatamque servavit; nam toti urbi, templis, delubris, tectis ac mœnibus subjectos prope jam ignes, circundatosque restinximus: iidemque gladios in rempub. restrictos retudimus, mucronesque eorum à jugulis vestris dejecimus. Quæ quoniam in Senatu illustrata, patefacta, compertaque sunt per me, vobis jam exponam breviter, Quirites, ut & quanta, & quam manifesta, & qua ratione investigata & comprehensa sint, vos, qui & ignoratis, & exspectatis, scire possitis. Principio, ut Catilina paucis ante diebus erupit ex urbe, cùm sceleris sui socios, & hujusce nefarii belli acerrimos duces Romæ reliquisset; semper vigilavi, & providi, Quirites, quemadmodum in tantis & tam absconditis insidiis salvi esse possemus.

II. Nam tum, cum ex urbe Catilinam ejiciebam (non enim jam vereor hujus verbi invidiam, cum illa magis sit timenda, quod vivus exierit) sed tum cum illum exterminari volebam; aut reliquam conjuratorum manum simul exituram, aut eos qui restitissent, infirmos sine illo, ac debiles fore putabam. Atque ego, ut vidi, quos maximo furore, & scelere esse inflammatos sciebam, eos nobiscum esse, & Romæ remansisse: in eo omnes dies noctesque consumpsi, ut quid agerent, quid molirentur, sentirem ac viderem: ut, quoniam auribus vestris, propter incredibilem magnitudinem sceleris, minorem fidem

NOTES.

(1.) *Ex faucibus fati.*] A metaphorical expression, alluding to the danger incurred by an attack from beasts of prey. Fate, according to the Stoics, was a certain immutable series of events, which followed one another in train by such an unavoidable necessity, that even the gods themselves could not hinder their coming to pass. The reason why this word is often used by the ancients, to denote death, or the dissolution of states and kingdoms, may be best derived from a notion which prevailed among them, that at the very moment of a man's birth, the day of his death was irrevocably fixed by fate; and that in all governments, the seeds of dissolution were mixed with their original frame, and never failed to operate when the appointed time came.

(2.) *Quod salutis certa lætitia est,*] When we escape any imminent danger that threatened us, and under the apprehension of which we were uneasy, we are sensible of our good fortune, and taste the safety we enjoy with the highest relish. Hence, a day of preservation is always a day of joy and triumph. But now the day of our birth is not attended with any such consciousness; and even supposing it were, yet is the condition of human life attended with so much uncertainty, that it is hard to say whether we have more reason to lament or rejoice. For how often is our present condition so entangled with snares and difficulties, that a wise man would think it rather to be shunned than coveted? Nay, whole nations have made it a practice, to consider

ſels and dangers. And if the days in which we are preſerved from ruin, be no leſs joyous and memorable than thoſe of our birth; becauſe the pleaſure of deliverance is certain, the condition to which we are born uncertain; and becauſe we enter upon life without conſciouſneſs, but are always ſenſible to the joys of preſervation: ſurely, ſince our gratitude and eſteem for Romulus, the founder or this city, has induced us to rank him amongſt the immortal gods; he cannot but merit honour with you and poſterity, who has preſerved the ſame city, with all its acceſſions of ſtrength and grandeur. For we have extinguiſhed the flames that were diſperſed on all ſides, and juſt ready to ſeize the temples, ſanctuaries, dwellings, and walls of this city; we have blunted the ſwords that were drawn againſt the ſtate; and turned aſide the daggers that were pointed at your throats. And as all theſe particulars have been already explained, cleared, and fully proved by me in the ſenate; I ſhall now, Romans, lay them briefly before you, that ſuch as are ſtrangers to what has happened, and wait with impatience to be informed, may underſtand what a terrible and manifeſt deſtruction hung over them, how it was traced out, and in what manner diſcovered. And firſt, ever ſince Catiline, a few days ago, fled from Rome; as he left behind him the partners of his treaſon, and the boldeſt champions of this execrable war, I have always been upon the watch, Romans, and ſtudying how to ſecure you amidſt ſuch dark and complicated dangers.

SECT. II. For at that time, when I drove Catiline from Rome (for I now dread no reproach from that word, but rather the cenſure of having ſuffered him to eſcape alive) I ſay, when I forced him to quit Rome, I naturally concluded, that the reſt of his accomplices would either follow him, or being deprived of his aſſiſtance, would proceed with leſs vigour and firmneſs. But when I found that the moſt daring and forward of the conſpirators ſtill continued with us, and remained in the city; I employed myſelf night and day to unravel and fathom all their proceedings and deſigns: that ſince my words found leſs credit with you, becauſe of the inconceivable enormity of the treaſon, I might lay the whole ſo clearly

NOTES.

conſider the day of a man's nativity, as a day rather of ſorrow than joy; becauſe he then entered into a ſtate of miſery and tribulation.

(3.) *Romulum ad deos ſuſtulimus.*] So we learn from Aurelius Victor, cap. 2. de viris illuſt. *Cum ad Capreæ Paludem exercitum luſtraret, nuſquam comparuit, unde inter patres et populum ſeditione orta, Julius Proculus vir nobilis, in concionem proceſſit, et jurejurando firmavit, Romulum a ſe in colle Quirinali viſum auguſtiore forma, cum ad deos abiret; eundemque præcipere ut ſeditionibus abſtinerent, virtutem colerent; futurum ut omnium gentium domini exiſterent. Hujus auctoritati creditum eſt, Ædes in colle Quirinali Romulo conſtituta, ipſe pro deo cultus, et Quirinus eſt appellatus.*

fidem faceret oratio me, rem ita comprehenderem, ut tum demum animis ſaluti veſtræ provideretis, cùm oculis maleficium ipſum videretis. Itaque ut comperi legatos (4.) Allobrogum, (5.) belli Tranſalpini, & tumultus Gallici exitandi cauſa, à P. Lentulo eſſe ſolicitatos, eoſque in Galliam ad ſuos cives, eodem itinere cum literis mandatiſque ad Catilinam eſſe miſſos, comitemque iis adjunctum Vulturcium, atque huic datas eſſe ad Catilinam literas: facultatem mihi oblatam putavi ut, quod erat difficillimum, quodque ego ſemper optabam à diis immortalibus, tota res non ſolum à me, ſed etiam à Senatu, & à vobis manifeſtè deprehenderetur. Itaque heſterno die L. Flaccum, & C. Pomtinum Prætores, fortiſſimos, atque amantiſſimos reipublicæ viros ad me vocavi: rem omnem expoſui: quid fieri placeret, oſtendi. Illi autem qui omnia de republ. præclara atque egregia ſentirent, ſine recuſatione, ac ſine ulla mora negotium ſuſceperunt, & cum adveſperaſceret, occulte ad pontem Milvium pervenerunt: atque ibi in proximis villis ita bipartiti fuerunt, ut Tiberis inter eos, & pons intereſſet; eodem autem & ipſi, ſine cujuſquam ſuſpicione, multos fortes viros eduxerunt; & ego de præfectura Reatina complures delectos adoleſcentes, (6.) quorum opera utor aſſidue in reipublicæ præſidio, cum gladiis miſeram. Interim (7.) tertia fere vigilia exacta; cum jam pontem cum magno

NOTES.

(4.) *Allobrogum.*] Theſe were Gauls, who paſſing the Alps, ſettled on the Italian ſide, in thoſe parts now called Savoy and Piedmont. They were a brave people, and maintained a war with the Romans for a long time; but before this had been totally ſubdued, and governed by the Roman prætor, who had the care of *Gallia Narbonenſis*. About the time of the breaking out of this conſpiracy, they had ſent ambaſſadors to Rome, to complain of the oppreſſion and extortion of their governor. Lentulus took this opportunity of increaſing the ſtrength of the conſpiracy, by promiſing the Allobrogians an abatement of their taxes, if they would riſe in favour of Catiline, and aſſiſt him with their forces. The ambaſſadors, after ſome deliberation, reſolved to diſcover the affair to Q. Fabius Sanga, their patron at Rome, who immediately diſcloſed it to Cicero. The conſul adviſed them to agree with the conſpirators, and get a covenant from them ſigned by the principal men, to carry home to their conſtituents. This the conſpirators conſent to, and at the ſame time deſire them to take Catiline's camp in their way; for which purpoſe they ſend one of their party, Vulturcius, along with them, with letters to their general. Cicero getting notice of this from the ambaſſadors, took the whole party priſoners upon the road, and by this means had full proof againſt Lentulus, and the other heads of the plot, whom he immediately ſeized.

(5.) *Belli Tranſalpini, et tumultus Gallici.*] When the Roman arms were employed in farther Gaul, this Cicero calls a *war*; but when hither Gaul was the ſcene of action, he gives it the name of a *tumult*, *tumultus*. The difference between theſe two lies in this, that *war* is a word of a more extenſive ſignification, and was not accounted ſo formidable as a *tumult*. For by a *tumult* the Romans underſtood ſome very dangerous commotion, that threatened the capital of the empire itſelf, as happening either in the very boſom of Italy, or in Ciſalpine Gaul, a country that immediately bordered upon Italy, and whoſe inhabitants had formerly brought many calamities upon the Romans. But we cannot better diſtinguiſh between *bellum* and *tumultus*, than in the words of Cicero himſelf, who thus ſpeaks of them in his eighth Philippick: *Poteſt enim eſſe bellum ſine tumultu, tumultus eſſe ſine bello non poteſt. Quid eſt enim aliud tumultus, niſi perturbatio tanta ut major timor oriatur? Unde etiam nomen dictum eſt tumultus. Itaque majores noſtri tumultum*

before you, as to compel you at length to take meaſures for your own ſafety, when you could no longer avoid ſeeing the danger that threatned you. Accordingly, when I found, that the ambaſſadors of the Allobrogians had been ſolicited by P. Lentulus to kindle a war beyond the Alps, and raiſe commotions in hither Gaul; that they had been ſent to engage their ſtate in the conſpiracy, with orders to confer with Catiline by the way, to whom they had letters and inſtructions; and that Vulturcius was appointed to accompany them, who was likewiſe entruſted with letters to Catiline; I thought a fair opportunity offered, not only of ſatisfying myſelf with regard to the conſpiracy, but likewiſe of clearing it up to the ſenate and you, which had always appeared a matter of the greateſt difficulty, and been the conſtant ſubject of my prayers to the immortal gods. Yeſterday, therefore, I ſent for the prætors L. Flaccus, and C Pontinus, men of known courage, and diſtinguiſhed zeal for the republick. I laid the whole matter before them, and made them acquainted with what I deſigned. They, full of the nobleſt and moſt generous ſentiments with regard to their country, undertook the buſineſs without delay or heſitation; and upon the approach of night, privately repaired to the Milvian bridge; where they diſpoſed themſelves in ſuch manner in the neighbouring villages, that they formed two bodies, with the river and bridge between them. They likewiſe carried along with them a great number of brave ſoldiers, without the leaſt ſuſpicion; and I diſpatched from the præfecture of Reate ſeveral choſen youths well armed, whoſe aſſiſtance I had frequently uſed in the defence of the commonwealth. In the mean time, towards the cloſe of the third watch, as the deputies of the Allobrogians, accompanied by Vulturcius, began to paſs the bridge with a great retinue,

NOTES.

multum Italicum, quod erat domeſticus: Tumultum Gallicum, quod erat Italiæ finitimus: præterea nullum tumultum nominabant, &c.

(6.) *Quorum opera utor aſſidue in reipublicæ præſidio, cum gladiis miſeram.*] Muretus obſerves, that in ſome ancient manuſcripts of Cicero the ſentence runs thus: *Quorum opera utor aſſidue in republica, præſidio cum gladiis miſeram:* according to which way of pointing and reading, *præſidio* is to be joined with *miſeram*, ſo as to render the conſtruction of the paragraph *miſeram præſidio*, not *in præſidio reipublicæ*. Of the four firſt and principal editors of Cicero, Lambinus alone approves this emendation of Muretus. Grævius has admitted it into the text itſelf, but, I am apt to think, without due conſideration: for as Buherius judiciouſly obſerves, *eorum opera uteris* in republica, *quos in concilium advocas: Opera* in reipublicæ præſidio *ab iis ponitur, qui manu eam defendunt. Reatinos autem adoleſcentes illos, non adhibebat ſane ad conſultandum Cicero. Eorum igitur* opera *non utebatur* in republica, *ſed* in præſidio reipublicæ.

(7.) *Tertia fere vigilia exacta.*] The diviſion of the night into four watches by the ancients, is mentioned by Julius Pollux, in his firſt book. Suidas too takes notice of it, and expreſly calls a watch a fourth part of the night. They commenced at ſun-ſetting, and ended at ſun-riſing, conſiſting each of three hours; ſo that the third watch began exactly at midnight, and ended about three in the morning, ſuppoſing the ſun to riſe at ſix.

(8.)

magno comitatu legati Allobrogum ingredi inciperent, unaque Vulturcius; fit in eos impetus: educuntur & ab illis gladii, & à noſtris: res erat Prætoribus nota ſolis: ignorabatur à cæteris.

III. Tum interventu Pomtini, atque Flacci, pugna, quæ erat commiſſa, ſedatur: literæ quæcunque erant in eo comitatu, integris ſignis, Prætoribus traduntur: ipſi comprehenſi, ad me, cum jam diluceſceret, deducuntur. Atque horum omnium ſcelerum improbiſſimum machinatorem Cimbrum Gabinium, ſtatim ad me, nihil dum ſuſpicantem vocavi. Deinde item arceſſitur P. Statilius, & poſt eum Cethegus: tardiſſime autem Lentulus venit, credo, quod literis dandis præter conſuetudinem proxima nocte vigilarat. Cùm vero ſummis ac clariſſimis hujus civitatis viris, qui, audita re, frequenter ad me mane convenerant, literas à me prius aperiri, quam ad Senatum referri placeret, ne, ſi nihil eſſet inventum, temere à me tantus tumultus injectus civitati videretur, negavi me eſſe facturum, ut de periculo publico non ad conſilium publicum rem integram deferrem. Etenim, Quirites, ſi ea, quæ erant ad me delata, reperta non eſſent; tamen ego non arbitrabar in tantis reip. periculis eſſe mihi nimiam diligentiam pertimeſcendam. Senatum frequentem celeriter, ut vidiſtis, coëgi; atque interea ſtatim, admonitu Allobrogum, C. Sulpicium Prætorem, fortem virum miſi, qui ex ædibus Cethegi, ſi quid telorum eſſet, afferret: ex quibus ille maximum ſicarum numerum, & gladiorum extulit.

IV. Introduxi Vulturcium ſine Gallis: fidem ei publicam juſſu Senatus dedi: hortatus ſum, ut ea quæ ſciret, ſine timore indicaret. Tum ille dixit, cùm vix ſe ex magno timore recreaſſet, à P. Lentulo ſe habere ad Catilinam mandata & literas, ut ſervorum præſidio uteretur, & ad urbem quamprimum cum exercitu accederet: id autem eo conſilio, ut, cum urbem omnibus ex partibus, quemadmodum deſcriptum diſtributumque erat, incendiſſent, cædemque infinitam civium feciſſent, præſto eſſet ille, qui & fugientes exciperet, & ſe cum his urbanis ducibus conjungeret. Introducti autem Galli jusjurandum ſibi & literas à P. Lentulo, Cethego, Statilio ad ſuam gentem datas eſſe dixerunt: atque ita ſibi ab his & à L. Caſſio eſſe præſcriptum, ut equitatum in Italiam quamprimum mitterent, pedeſtres ſibi copias non defuturas: Lentulum autem ſibi confirmaſſe

ex

tinue, our men came out againſt them, and ſwords were drawn on both ſides. The affair was known to the prætors alone, none elſe being admitted into the ſecret.

SECT. III. Upon the coming up of Pontinus and Flaccus, the conflict ceaſed; all the letters they carried with them were delivered ſealed to the prætors; and the deputies with their whole retinue being ſeized, were brought before me, towards the dawn of day. I then ſent for Gabinius Cimber, the contriver of all theſe deteſtable treaſons, who ſuſpected nothing of what had paſſed. L. Statilius was ſummoned next, and then Cethegus. Lentulus came the laſt of all, probably becauſe, contrary to cuſtom, he had been up the greateſt part of the night before, making out the diſpatches. Many of the greateſt and moſt illuſtrious men in Rome, hearing what had paſſed, crouded to my houſe in the morning, and adviſed me to open the letters before I communicated them to the ſenate; leſt, if nothing material was found in them, I ſhould be blamed for raſhly occaſioning ſo great an alarm in the city. But I refuſed to comply, that an affair which threatned publick danger, might come entire before the publick council of the ſtate. For, citizens, had the informations given me appeared to be without foundation, I had yet little reaſon to apprehend, that any cenſure would befal me for my over diligence in ſo dangerous an aſpect of things. I immediately aſſembled, as you ſaw, a very full ſenate: and at the ſame time, in conſequence of a hint from the Allobrogian deputies, diſpatched C. Sulpicius the prætor, a man of known courage, to ſearch the houſe of Cethegus, where he found a great number of ſwords and daggers.

SECT. IV. I introduced Vulturcius without the Gallick deputies; and by order of the houſe, offered him a free pardon in the name of the publick, if he would faithfully diſcover all that he knew: upon which, after ſome heſitation, he confeſſed, that he had letters and inſtructions from Lentulus to Catiline, to preſs him to accept the aſſiſtance of the ſlaves, and to lead his army with all expedition towards Rome, to the intent, that when according to the ſcheme previouſly ſettled and concerted among them, it ſhould be ſet on fire in different places, and the general maſſacre begun, he might be at hand to intercept thoſe who eſcaped, and join with his friends in the city. The ambaſſadors were next brought in, who declared, that an oath of ſecrecy had been exacted from them, and that they had received letters to their nation from Lentulus, Cethegus, and Statilius; that theſe three, and L. Caſſius alſo, required them to ſend a body of horſe as ſoon as poſſible into Italy, declaring, that they had no occaſion for any foot: that Lentulus had aſſured them from

the

ex fatis Sibyllinis, (8.) haruſpicumque reſponſis, ſe eſſe tertium illum Cornelium, ad quem regnum urbis hujus, atque imperium pervenire eſſet neceſſe: Cinnam ante ſe, & Sullam fuiſſe: eundemque dixiſſe, fatalem hunc eſſe annum ad interitum hujus urbis atque imperii, qui eſſet decimus annus poſt virginum abſolutionem, poſt Capitolii autem incenſionem viceſimus; hanc autem Cethego cum cæteris controverſiam fuiſſe dixerunt, quod, cùm Lentulo & cæteris Saturnalibus cædem fieri, atque urbem incendi placeret, Cethego nimium id longum videretur.

V. Ac, ne longum ſit, Quirites, tabellas proferri juſſimus, quæ à quoque dicebantur datæ, primum oſtendimus Cethego ſignum: cognovit; nos linum incidimus: legimus; erat ſcriptum ipſius manu, Allobrogum Senatui & populo, ſeſe, quæ eorum legatis confirmaſſet, eſſe facturum; orare, ut item illi facerent, quæ ſibi legati eorum (9.) præcepiſſent. Tum Cethegus, qui paulo antè aliquid tamen de gladiis ac ſicis, quæ apud ipſum erant deprehenſæ, reſpondiſſet, dixiſſetque ſe ſemper bonorum ferramentorum ſtudioſum fuiſſe, recitatis literis debilitatus atque abjectus, conſcientia convictus repente conticuit. Introductus Statilius, cognovit & ſignum & manum ſuam; recitatæ ſunt tabellæ in eandem fere ſententiam: confeſſus eſt; tum oſtendi tabellas Lentulo, & queſivi cognoſceretne ſignum; annuit; eſt vero, inquam, ſignum quidem notum, imago avi tui, clariſſimi viri, qui amavit unice patriam, & cives ſuos; quæ quidem te à tanto ſcelere etiam muta revocare debuit. Leguntur eadem ratione ad Senatum Allobrogum populumque literæ; ſi quid de his rebus dicere vellet, feci poteſtatem. Atque ille quidem primo negavit: poſt autem aliquanto, toto indicio expoſito atque edito, ſurrexit: quæſivit à Gallis, quid ſibi eſſet cum iis, quomobrem domum ſuam veniſſent; itemque à Vulturcio; qui cùm illi breviter conſtanterque reſpondiſſent, per quem ad eum, quotieſque veniſſent; quæſiſſentque ad eo, nihilne ſecum eſſet de fatis Sibyllinis locutus: tum ille ſubitò, ſcelere

NOTES.

(8.) *Haruſpicumque reſponſis ſe eſſe tertium illum Cornelium.*] The *Haruſpices* or *Auruſpices* were ſo called, according to the moſt common derivation, *quia in ara exta animalium inſpiciebant*. Donatus, however, gives the word another etymology. *Haruſpex*, ſays he, *ab Haruga nominatur; nam Haruga dicitur boſtia ab Hara, in qua concluditur et ſervatur. Hara autem eſt, ia qua pecora includuntur.* From the Sibylline books, and the anſwers of the ſoothſayers, Lentulus was made to believe, that he was the third Cornelius deſtined to rule in Rome. It ſeems, among the Sibylline verſes, there were found three K's; which the Greeks interpreted of the Cappadocians, Cilicians, and Cretans; but the Romans applied them to three of the name of Cornelius, *viz.* Cinna, Sylla, and Lentulus.

(9.) *Præcepiſſent.*] This reading is ſupported by the authority of almoſt all the manuſcripts and editions of Cicero. If we admit it, the paſſage muſt be explained thus: *ut item illi facerent, videlicet ſenatus et populus Gallorum, quæ ſibi, nempe ſenatui et populo Gallorum, legati præcepiſſent, id eſt, præſcripſiſſent, et faciendum eſſe oſtendiſſent.* But Muretus thinks we ought to read *recepiſſent*, according to which the ſenſe of Cicero will be, *quæ ſibi, nempe Lentulo, legati eorum recepiſſent,*

the Sibylline books, and the anſwers of ſoothſayers, that he was the third Cornelius, who was deſtined to empire, and the ſovereignty of Rome, which Cinna and Sylla had enjoyed before him; and that this was the fatal year marked for the deſtruction of the city and empire, being the tenth from the acquittal of the veſtal virgins, and the twentieth from the burning of the capitol: that there was ſome diſpute between Cethegus and the reſt about the time of firing the city; becauſe while Lentulus and the other conſpirators were for fixing it on the feaſt of Saturn, Cethegus thought that day too remote and dilatory.

SECT. V. But not to be tedious, Romans, I at laſt ordered the letters to be produced, which were ſaid to be ſent by the different parties. I firſt ſhewed Cethegus his ſeal; which he owning, I opened and read the letter. It was written with his own hand, and addreſſed to the ſenate and people of the Allobrogians, ſignifying, that he would make good what he had promiſed to their ambaſſadors, and entreating them alſo to perform what the ambaſſadors had undertaken for them. Then Cethegus, who a little before, being interrogated about the arms that were found at his houſe, had anſwered that he was always particularly fond of neat arms; upon hearing his letter read, was ſo dejected, confounded, and ſelf-convicted, that he could not utter a word in his own defence. Statilius was then brought in, and acknowledged his hand and ſeal; and when his letter was read, to the ſame purpoſe with that of Cethegus, he confeſſed it to be his own. Then Lentulus's letter was produced. I aſked if he knew the ſeal: he owned he did. It is, indeed, ſaid I, a well known ſeal; the head of your illuſtrious grandfather, ſo diſtinguiſhed for his love to his country and fellow-citizens, that it is amazing the very ſight of it was not ſufficient to to reſtrain you from ſo black a treaſon. His letter, directed to the ſenate and people of the Allobroges, was of the ſame import with the other two: but having leave to ſpeak for himſelf, he at firſt denied the whole charge, and began to queſtion the ambaſſadors and Vulturcius, what buſineſs they ever had with him, and on what occaſion they came to his houſe; to which they gave clear and diſtinct anſwers; ſignifying by whom, and how often they had been introduced to him; and then aſked him in their turn, whether he had never mentioned any thing to them about the Sibylline oracles; upon which being confounded, or infatuated rather by the ſenſe

NOTES.

cepiſſent, id eſt, ſpopondiſſent, et ſuo periculo promiſiſſent. This is much the better reading, and furniſhes by far the moſt natural and obvious ſenſe.

ſcelere demens, quanta vis conſcientiæ eſſet, oſtendit; nam cum id poſſet inficiari, repente præter opinionem omnium confeſſus eſt: ita eum non modo ingenium illud, & dicendi exercitatio, qua ſemper valuit, ſed etiam propter vim ſceleris manifeſti atque deprehenſi, impudentia, qua ſuperabat omnes, improbitaſque defecit. Vulturcius vero ſubitò proferri literas, atque aperiri juſſit, quas ſibi à Lentulo ad Catilinam datas eſſe dicebat. Atque ibi vehementiſſime perturbatus Lentulus, tamen & ſignum & manum ſuam cognovit; erant autem ſcriptæ ſine nomine, ſed ita: (10.) Qui SIM, EX EO, QUEM AD TE MISI, COGNOSCES. CURA UT VIR SIS, ET COGITA, QUEM IN LOCUM SIS PROGRESSUS: ET VIDE, QUID JAM TIBI SIT NECESSE. CURA UT OMNIUM TIBI AUXILIA ADJUNGAS, ETIAM INFIMORUM. Gabinius deinde introductus, cùm primò impudenter reſpondere cœpiſſet, ad extremum nihil ex iis, quæ Galli inſimulabant, negavit. Ac mihi quidem, Quirites, cum illa certiſſima ſunt viſa argumenta atque indicia ſceleris, tabellæ, ſigna, manus, denique, uniuſcujuſque confeſſio: tum multo illa certiora, color, oculi, vultus, taciturnitas; ſic enim obſtupuerant, ſic terram intuebantur, ſic furtim nonnunquam inter ſe aſpiciebant, ut non jam ad aliis indicari, ſed indicare ſe ipſi viderentur.

VI. Indiciis expoſitis atque editis, Quirites, Senatum conſului de ſumma reipub. quid fieri placeret; dictæ ſunt à principibus acerrimæ ac fortiſſimæ ſententiæ, quas Senatus ſine ulla varietate eſt conſecutus. Et quoniam nondum eſt perſcriptum S. C. ex memoria vobis, Quirites, quid Senatus cenſuerit, exponam. Primum mihi gratiæ verbis ampliſſimis aguntur, quod virtute, conſilio, prudentia mea reſpub. periculis ſit maximis liberata: deinde L. Flaccus & C. Pomtinus Prætores, quod eorum opera forti fidelique uſus eſſem, merito ac jure laudantur: atque etiam viro forti, collegæ meo, C. Antonio laus imperitur, quod eos, qui hujus conjurationis participes fuiſſent, à ſuis & à reipub. conſiliis removiſſet; atque ita cenſuerunt, (11.) ut P. Lentulus, cùm ſe Prætura abdicaſſet, tum in cuſtodiam

NOTES.

(10.) *Qui ſim, ex eo quem ad te miſi, cognoſces.*] This letter of Lentulus to Catiline, is worded ſomewhat differently in Saluſt, who gives it as follows: *Qui ſim, ex eo, quem ad te miſi, cognoſces. Fac cogites, in quanta calamitate ſis: et memineris, te eſſe virum: conſideres, quid tuæ rationes poſtulent: auxilium petas ab omnibus, etiam ab infimis.* "You "will learn who I am, by the meſſenger "that brings you this letter. Reflect on "the dangerous ſituation in which you are "and acquit yourſelf like a man. Weigh "well what your preſent circumſtances re"quire, and reject none who offer their aſ"ſiſtance, not even the loweſt."

(11.) *Ut P. Lentulus, cum ſe Prætura abdicaſſet.*] The reader may perhaps wonder how Lentulus came to be prætor at this time, as he was now conſiderably in years. But this wonder will ceaſe, when he is informed, that this was the ſecond prætorſhip of Lentulus. Now, as by the Cornelian law, no one was capable of enjoying the ſame magiſtracy a ſecond time, till after an interval of

ſenſe of his guilt, he gave a remarkable proof of the great force of conſcience: for not only his uſual parts and eloquence, but his impudence too, in which he outdid all men, quite failed him; ſo that he confeſſed his crime, to the ſurprize of the whole aſſembly. Then Vulturcius deſired, that the letter to Catiline, which Lentulus had ſent by him, might be opened; where Lentulus again, though greatly diſordered, acknowledged his hand and ſeal. It was written without any name, but to this effect: "You will know who I am, "from him whom I have ſent to you. Take care to ſhew yourſelf "a man, and recollect in what ſituation you are, and conſider "what is now neceſſary for you. Be ſure to make uſe of the aſ- "ſiſtance of all, even of the loweſt." Gabinius was then introduced, and behaved impudently for a while; but at laſt denied nothing of what the ambaſſadors charged him with. And indeed, Romans, though their letters, ſeals, hands, and laſtly their ſeveral voluntary confeſſions, were ſtrong and convincing evidences of their guilt; yet had I ſtill clearer proofs of it from their looks, change of colour, countenances, and ſilence. For ſuch was their amazement, ſuch their downcaſt looks, ſuch their ſtolen glances one at another, that they ſeemed not ſo much convicted by the information of others, as detected by the conſciouſneſs of their own guilt.

SECT. VI. The proofs being thus laid open and cleared, I conſulted the ſenate upon the meaſures proper to be taken for the publick ſafety. The moſt ſevere and vigorous reſolutions were propoſed by the leading men, to which the ſenate agreed without the leaſt oppoſition. And as the decree is not yet put into writing, I ſhall, as far as my memory ſerves, give you an account of the whole proceeding. Firſt of all, publick thanks were decreed to me in the ampleſt manner, for having by my courage, counſel, and foreſight, delivered the republick from the greateſt dangers: then the prætors L. Flaccus, and C. Pontinus were likewiſe thanked, for their vigorous and punctual execution of my orders. My collegue, the brave Antonius was praiſed, for having removed from his own and the counſels of the republick, all thoſe who were concerned in the conſpiracy. They then came to a reſolution, that P. Lentulus, after

NOTES.

of ten years, it is highly probable, that his firſt prætorſhip happened, when L. Licinius Lucullus, and C. Aurelius Cotta were conſuls. We are ſtill the more confirmed in this, becauſe after the uſual interval of two years, we find him advanced to the conſulſhip, jointly with Cn. Aufidius Oreſtes. During the cenſorſhip of Gellius and Lentulus, who were remarkable for their ſeverity in the exerciſe of that office, this P. Lentulus of whom we ſpeak, though at that time a man of conſular dignity, was expelled the ſenate for the enormity of his life. When the legal term of his degradation was expired, in order to recover the ſenatorian dignity, he was obliged to put in for being prætor a ſecond time; during which prætorſhip, he was put to death for this conſpiracy. (12.)

diam traderetur: itemque uti C. Cethegus, L. Statilius, P. Gabinius, qui omnes præſentes erant, in cuſtodiam traderentur: atque idem hoc decretum eſt in L. Caſſium, qui ſibi procurationem incendendæ urbis depopoſcerat: in M. Cæparium, cui ad ſolicitandos paſtores Apuliam eſſe attributam erat indicatum: in P. Furium, qui eſt ex his coloniis quas Feſulas L. Sulla deduxit: in Q. Magium Chilonem, qui unà cum hoc Furio ſemper erat in hac Allobrogum ſolicitatione verſatus: in P. Umbrenum libertinum hominem, à quo primum Gallos ad Gabinium perductos eſſe conſtabat. Atque ea lenitate Senatus eſt uſus, Quirites, ut ex tanta conjuratione, tantaque vi ac multitudine domeſticorum hoſtium novem hominum perditiſſimorum pœna, republ. conſervata, reliquorum mentes ſanari poſſe arbitraretur. Atque etiam (12.) ſupplicatio diis immortalibus pro ſingulari eorum merito, meo nomine decreta eſt, Quirites: quod mihi primum poſt hanc urbem conditam togato contigit: & his decreta verbis eſt, QUOD URBEM INCENDIIS, CÆDE CIVES, ITALIAM BELLO LIBERASSEM. Quæ ſupplicatio ſi cum cæteris conferatur, Quirites, hoc intereſt (13.) quod cæteræ bene geſta, hac una conſervata repub. conſtituta eſt. Atque illud, quod faciendum primum fuit, factum atque tranſactum eſt; nam P. Lentulus, quanquam patefactus indiciis, & confeſſionibus ſuis, judicio Senatus, non modo Prætoris jus, verum etiam civis amiſerat; tamen magiſtratu ſe abdicavit: ut (14.) quæ religio C. Mario, clariſſimo viro, non fuerat, quo minus C. Glauciam, de quo nihil nominatim erat decretum, Prætorem occideret, ea nos religione, in privato P. Lentulo puniendo liberaremur.

VII. Nunc, quoniam, Quirites, ſceleratiſſimi periculoſiſſimique belli nefarios duces captos jam, & comprehenſos tenetis; exiſtimare

NOTES.

(12.) *Supplicatio.*] The *ſupplicatio* was a ſolemn proceſſion to the temples of the gods, to return thanks for any victory. After obtaining any ſuch remarkable advantage, the general commonly gave the ſenate an account of the exploit by letters wreathed about with laurel; in which, after the account of his ſucceſs, he deſired the favour of a ſupplication, or publick thankſgiving. This being granted for a ſet number of days, the ſenate went in a ſolemn manner to the chief temples, and aſſiſted at the ſacrifices proper to the occaſion; holding a feaſt in the temples to the honour of the reſpective deities. In the mean time the whole body of the commonalty kept holiday, and frequented the religious aſſemblies, giving thanks for the late ſucceſs, and imploring a long continuance of the divine favour and aſſiſtance.

(13.) *Quod cæteræ bene geſta, hac una conſervata republica conſtituta eſt.*] The meaning is, that thankſgivings had been decreed to others, for their good fortune and ſucceſſes in war; but to Cicero, for preſerving the commonwealth from ruin, and by his diligence defeating the deſigns of its enemies, without drawing a ſword. Cotta, a man of diſtinguiſhed abilities, and eminent for the great ſervices he had done his country, propoſed this thankſgiving, to which the ſenate agreed without one diſſenting voice.

(14.) *Quæ religio.*] As *Merouille*, the author of the Dauphin edition of Cicero's ſelect orations, gives a different explication of this paſſage, from that which I have choſen

to

having abdicated the prætorſhip, ſhould be committed to ſafe cuſtody; that C. Cethegus, L. Statilius, P. Gabinius, all three then preſent, ſhould likewiſe remain in confinement; and that the ſame ſentence ſhould be extended to L. Caſſius, who had offered himſelf to the taſk of firing the city; to M. Ceparius, to whom, as appeared, Apulia had been aſſigned for raiſing the ſhepherds; to P. Furius, who belonged to the colonies ſettled by Sylla at Feſulæ; to Q. Magius Chilo, who had always ſeconded this Furius, in his application to the deputies of the Allobrogians; and to P. Umbrenus, the ſon of a freedman, who was proved to have firſt introduced the Gauls to Gabinius. The ſenate choſe to proceed with this lenity, Romans, from a perſuaſion that though the conſpiracy was indeed formidable, and the ſtrength and number of our domeſtick enemies very great; yet by the puniſhment of nine of the moſt deſperate, they ſhould be able to preſerve the ſtate, and reclaim all the reſt. At the ſame time a publick thankſgiving was decreed in my name to the immortal gods, for their ſignal care of the commonwealth; the firſt, Romans, ſince the building of Rome, that was ever decreed to any man in the gown. It was conceived in theſe words: "Becauſe I had preſerved the city from a conflagra-"tion, the citizens from a maſſacre, and Italy from a war." A thankſgiving, my countrymen, which if compared with others of the ſame kind, will be found to differ from them in this; that all others were appointed for ſome particular ſervices to the republick, this alone for ſaving it. What required our firſt care was firſt executed and diſpatched. For P. Lentulus, though in conſequence of the evidence brought againſt him, and his own confeſſion, the ſenate had adjudged him to have forfeited not only the prætorſhip, but the privileges of a Roman citizen, diveſted himſelf of his magiſtracy: that the conſideration of a publick character, which yet had no weight with the illuſtrious C. Marius, when he put to death the prætor C. Glaucia, againſt whom nothing had been expreſsly decreed, might not occaſion any ſcruple to us, in puniſhing P. Lentulus, now reduced to the condition of a private man.

SECT. VII. And now, Romans, as the deteſtable leaders of this impious, and unnatural rebellion, are ſeized and in cuſtody, you may

NOTES.

to follow in the tranſlation, I ſhall here tranſcribe what he ſays on this ſubject, that the reader, by comparing both, may be the better able to judge which ought to have the preference. *Commendat ſuum illud factum comparatione illius quod a Mario factum eſt; nam nihil moratus eſt ille, quo minus Glauciam interficeret, qui Saturninum tribunum plebis contra rempublicam molientem ſequutus fuerat. Nulla autem religione tenebatur ſic agere: at ipſe Cicero religione obſtringebatur: quia decretum non ſolum fuit a ſenatu, ut viderent conſules, ne quid reſpublica detrimenti caperet, verum etiam, ut Lentulum in cuſtodiam traderent. At Marius tantum juſſus eſt a ſenatu rempublicam conſervare, neque ei quicquam de Glaucia demandatum fuerat.*

re debetis, omnes Catilinæ copias, omnes ſpes, atque opes, his depulſis urbis periculis, concidiſſe. Quem quidem ego cum ex urbe pellebam hoc providebam animo, Quirites, remoto Catilina, nec mihi eſſe P. Lentuli ſomnum, nec, L. Caſſii adipem, nec C. Cethegi furioſam temeritatem pertimeſcendam. Ille erat unus timendus ex his omnibus, ſed tamdiu, dum mœnibus urbis continebatur; omnia norat: omnium aditus tenebat: appellare, tentare, ſolicitare poterat, audebat: erat ei conſilium ad facinus aptum: conſilio autem neque lingua, neque manus deerat; jam ad cæteras res conficiendas certos homines delectos ac deſcriptos habebat: neque vero cum aliquid mandaverat, confectum putabat: nihil erat, quod non ipſe obiret, occurreret, vigilaret, laboraret: frigus, ſitim, famem ferre poterat. Hunc ego hominem tam acrem, tam paratum, tam audacem, tam callidum, tam in ſcelere vigilantem, tam in perditis rebus diligentem, niſi ex domeſticis inſidiis in caſtrenſe latrocinium compuliſſem (dicam id, quod ſentio, Quirites) non facile hanc tantam molem mali à cervicibus veſtris depuliſſem; non ille vobis Saturnalia conſtituiſſet, neque tanto ante exitium, ac fati diem reipubl. denuntiaſſet; neque commiſiſſet, ut ſignum, ut literæ ſuæ, teſtes denique manifeſti ſceleris deprehenderentur; quæ nunc, illo abſente, ſic geſta ſunt, ut nullum in privata domo furtum unquam ſit tam palam inventum, quàm hæc tanta in rempub. conjuratio manifeſto inventa atque deprehenſa eſt. Quod ſi Catilina in urbe ad hanc diem remanſiſſet: quanquam quoad fuit, omnibus ejus conſiliis occurri atque obſtiti, tamen, ut leviſſime dicam, dimicandum nobis cum illo fuiſſet: neque nos unquam, dum ille in urbe hoſtis fuiſſet, tantis periculis rempublicam tanta pace, tanto otio, tanto ſilentio liberaſſemus.

VIII. Quanquam hæc omnia, Quirites, ita ſunt à me adminiſtrata, ut deorum immortalium nutu atque conſilio & geſta & proviſa eſſe videantur; idque cum conjectura conſequi poſſumus, quòd vix videtur humani conſilii tantarum rerum gubernatio eſſe potuiſſe: tum vero ita præſentes his temporibus opem & auxilium nobis tulerunt, ut eos pene oculis videre poſſemus. Nam ut illa omittam, viſas nocturno tempore ab Occidente faces, ardoremque cœli, ut fulminum jactus, ut terræ motus, cæteraque, quæ tam multa, nobis conſulibus, facta ſunt, ut hæc, quæ nunc fiunt, canere dii immortales viderentur: hoc certe, Quirites, quod ſum dicturus, neque prætermittendum, neque relinquendum eſt. Nam profecto memoria tenetis, Cotta & Torquato COSS. complures in Capitolio turres de cœlo eſſe percuſſas, cum & ſimulacra deorum immortalium depulſa

may juſtly conclude, that Catiline's whole ſtrength, power, and hopes, are broken; and the dangers that threatned the city diſpelled. For when I was driving him out of the city, Romans, I clearly foreſaw, that if he was once removed, there would be nothing to apprehend from the drowſineſs of Lentulus, the fat of Caſſius, or the raſhneſs of Cethegus. He was the alone formidable perſon of the whole number, yet no longer ſo, than while he remained within the walls of the city. He knew every thing; he had acceſs in all places; he wanted neither abilities nor boldneſs to addreſs, to tempt, to ſolicit. He had a head to contrive, a tongue to explain, and a hand to execute any undertaking. He had ſelect and proper agents to be employed in every particular enterprize; and never took a thing to be done, becauſe he had ordered it; but always purſued, urged, attended, and ſaw it done himſelf; declining neither hunger, cold nor thirſt. Had I not driven this man ſo keen, ſo reſolute, ſo daring, ſo crafty, ſo alert in miſchief, ſo active in deſperate deſigns, from his ſecret plots within the city, into open rebellion in the fields, I could never ſo eaſily, to ſpeak my real thoughts, Romans, have delivered the republick from its dangers. He would not have fixed upon the feaſt of Saturn, nor named the fatal day for our deſtruction ſo long before-hand, nor ſuffered his hand and ſeal to be brought againſt him, as manifeſt proofs of his guilt. Yet all this has been ſo managed in his abſence, that no theft in any private houſe was ever more clearly detected than this whole conſpiracy. But if Catiline had remained in the city till this day; though to the utmoſt I would have obſtructed and oppoſed all his deſigns; yet, to ſay the leaſt, we muſt have come at laſt to open force; nor would we have found it poſſible, while that traitor was in the city, to have delivered the commonwealth from ſuch threatening dangers, with ſo much eaſe, quiet, and tranquillity.

SECT. VIII. Yet all theſe tranſactions, Romans, have been ſo managed by me, as if the whole was the pure effect of a divine influence, and foreſight. This we may conjecture, not only from the events themſelves being above the reach of human counſel, but becauſe the gods have ſo remarkably interpoſed in them, as to ſhew themſelves almoſt viſibly. For not to mention the nightly ſtreams of light from the weſtern ſky, the blazing of the heavens, the thunders, the earthquakes, with the other many prodigies which have happened in my conſulſhip, that ſeem like the voice of the gods, predicting theſe events; ſurely, Romans, what I am now about to ſay, ought neither to be omitted, nor paſs without notice. For doubtleſs, you muſt remember, that under the conſulſhip of Cotta and Torquatus, ſeveral turrets of the capitol were ſtruck down with lightning: that the images of the immortal gods were likewiſe

pulſa ſunt, & ſtatuæ veterum hominum dejectæ, & legum æra liquefacta. Tactus eſt etiam ille qui hanc urbem condidit, Romulus; quem inauratum in Capitolio parvum atque lactantem, uberibus lupinis inhiantem fuiſſe meminiſtis. Quo quidem tempore, cum (15.) haruſpices ex tota Etruria conveniſſent, cædes atque incendia, & legum interitum, & bellum civile ac domeſticum, & totius urbis atque imperii occaſum appropinquare dixerunt, niſi dii immortales omni ratione placati ſuo numine prope fata ipſa flexiſſent. Itaque ex illorum reſponſis tunc & ludi decem per dies facti ſunt, neque res ulla quæ ad placandum deos pertineret, prætermiſſa eſt; iidemque juſſerunt ſimulacrum Jovis facere majus, & in excelſo collocare, & contra atque ante fuerat, ad Orientem convertere: ac ſe ſperare dixerunt, ſi illud ſignum quod videtis, ſolis ortum, & forum curiamque conſpiceret, fore, ut ea conſilia quæ clam eſſent inita contra ſalutem urbis atque imperii, illuſtrarentur, ut à S. P. Q. R. perſpici poſſent. Atque illud ita collocandum Conſules illi ſtatuerunt: ſed tanta fuit operis tarditas, ut neque à ſuperioribus conſulibus, neque à nobis ante hodiernum diem collocaretur.

IX. Hic quis poteſt eſſe, Quirites, tam averſus à vero, tam præceps, tam mente captus, qui neget hæc omnia quæ videmus, præcipueque hanc urbem, deorum immortalium nutu atque poteſtate adminiſtrari? Etenim cum eſſet ita reſponſum, cædes, incendia, interitumque reipublicæ comparari, & ea à perditis civibus; quæ tum propter magnitudinem ſcelerum nonnullis incredibilia videbantur, ea non modo cogitata à nefariis civibus, verum etiam ſuſcepta eſſe ſenſiſtis. Illud vero nonne ita præſens eſt, ut nutu Jovis Optimi Maximi factum eſſe videatur, ut, cùm hodierno die mane per forum meo juſſu & conjurati, & eorum indices in ædem Concordiæ ducerentur, eo ipſo tempore ſignum ſtatueretur? quo collocato, atque ad vos Senatumque converſo, omnia & Senatus, & vos, quæ erant contra ſalutem omnium cogitata, illuſtrata, & patefacta vidiſtis. Quo etiam majore ſunt iſti odio ſupplicioque digni, qui non ſolum veſtris domiciliis atque tectis, ſed etiam deorum templis atque delubris ſunt funeſtos ac nefarios ignes inferre conati: quibus ego ſi me reſtitiſſe dicam, nimium mihi ſumam, & non ſim ferendus; ille, ille Jupiter reſtitit; ille Capitolium, ille hæc templa, ille hanc urbem, ille vos omnes ſalvos eſſe voluit. Diis ego immortalibus ducibus

NOTES.

(15.) *Haruſpices ex tota Etruria.*] The art of ſoothſaying, and predicting future events, from inſpecting the entrails of beaſts, was held in particular honour among the Tuſcans, and cultivated with great care; being firſt invented by Tages, who was of that nation. We read in the Roman hiſtory, that at firſt only the natives of Tuſcany exerciſed this office at Rome; but afterwards the ſenate made an order, that twelve of the ſons of the principal nobility ſhould be ſent into that country, to be inſtructed in the rites and ceremonies of their religion, of which this ſecret was a chief part.

overthrown, the ſtatues of ancient heroes diſplaced, and the brazen tables of the laws melted down: that even Romulus, the founder of this city, eſcaped not unhurt; whoſe gilt ſtatue, repreſenting him as an infant, ſucking a wolf, you may remember to have ſeen in the capitol. At that time the ſoothſayers, being called together from all Etruria, declared, that fire, ſlaughter, the overthrow of the laws, civil war, and the ruin of the city and empire were portended, unleſs the gods, appeaſed by all ſorts of means, could be prevailed with to interpoſe, and bend in ſome meaſure the deſtinies themſelves. In conſequence of this anſwer, ſolemn games were celebrated for ten days, nor was any method of pacifying the gods omitted. The ſame ſoothſayers likewiſe ordered a larger ſtatue of Jupiter to be made, and placed on high, in a poſition contrary to that of the former image, with its face turned towards the eaſt; intimating, that if his ſtatue, which you now behold, looked towards the riſing ſun, the forum, and the ſenate-houſe; then all ſecret machinations againſt the city and empire would be detected ſo evidently, as to be clearly ſeen by the ſenate and people of Rome. Accordingly the conſuls of that year ordered the ſtatue to be placed in the manner directed: but from the ſlow progreſs of the work, neither they, nor their ſucceſſors, nor I myſelf, could get it finiſhed till that very day.

SECT. IX. Can any man after this be ſuch an enemy to truth, ſo raſh, ſo mad, as to deny, that all things which we ſee, and above all, that this city is governed by the power and providence of the gods? For when the ſoothſayers declared, that maſſacres, conflagrations, and the entire ruin of the ſtate were then deviſing; crimes! the enormity of whoſe guilt rendered the prediction to ſome incredible: yet are you now ſenſible, that all this has been by wicked citizens not only deviſed, but even attempted. Can it then be imputed to any thing but the immediate interpoſition of the great Jupiter, that this morning, while the conſpirators and witneſſes were by my order carried through the forum to the temple of Concord, in that very moment the ſtatue was fixed in its place? And being fixed, and turned to look upon you and the ſenate, both you and the ſenate ſaw all the treaſonable deſigns againſt the publick ſafety, clearly detected and expoſed. The conſpirators, therefore, juſtly merit the greater puniſhment and deteſtation, for endeavouring to involve in impious flames, not only your houſes and habitations, but the dwellings and temples of the gods themſelves: nor can I, without intolerable vanity and preſumption, lay claim to the merit of having defeated their attempts. It was he, it was Jupiter himſelf who oppoſed them: to him the capitol, to him the temples, to him this city, to him are you all indebted for your

ducibus hanc mentem, Quirites, voluntatemque ſuſcepi, atque ad hæc tanta indicia perveni. Jam vero illa Allobrogum ſolicitatio, ſic à Lentulo cæteriſque domeſticis hoſtibus, (16.) tanta res, tam dementer credita & ignotis & barbaris, commiſſæque literæ nunquam eſſent profecto, niſi à diis immortalibus huic tantæ audaciæ conſilium eſſet ereptum. Quid vero? ut homines Galli ex civitate male pacata, quæ gens una reſtat quæ populo Rom. bellum facere & poſſe, & non nolle videatur, ſpem imperii, & rerum ampliſſimarum ultro ſibi à patriciis hominibus oblatam negligerent, veſtramque ſalutem ſuis opibus anteponerent: id nonne divinitus factum eſſe putatis? præſertim qui nos non pugnando, ſed tacendo ſuperare potuerunt.

X. Quamobrem, Quirites, quoniam ad omnia pulvinaria ſupplicatio decreta eſt, celebratote illos dies cum conjugibus ac liberis veſtris. Nam multi ſæpe honores diis immortalibus juſti habiti ſunt ac debiti, ſed profecto juſtiores nunquam. Erepti enim eſtis ex crudeliſſimo ac miſerrimo interitu, & erepti ſine cæde, ſine ſanguine, ſine exercitu, ſine dimicatione: togati me uno togato duce & imperatore viciſtis. Etenim recordamini, Quirites, omnes civiles diſſenſiones, neque ſolum eas quas audiſtis, ſed & has, quas voſmet-ipſi meminiſtis & vidiſtis. L. Sulla P. (17.) Sulpicium oppreſſit; ex urbe ejecit C. Marium cuſtodem hujus urbis; multoſque fortes viros partim ejecit ex civitate, partim interemit; Cn. Octavius Coſ. armis ex urbe collegam ſuum expulit: omnis his locus acervis corporum & civium ſanguine redundavit. Superavit poſtea Cinna cum Mario, tum vero clariſſimis viris interfectis, (18.) lumina civitatis extincta

NOTES.

(16.) *Tanta res tam dementer.*] There could not be a greater inſtance of infatuation, than to impart the deſign of ſo dangerous a conſpiracy and war, to ſtrangers and barbarians; for ſo our orator calls the Allobrogians; it being uſual with the Romans, to give the name of barbarians to all foreign nations, the Greeks only excepted.

(17.) *Sulpicium oppreſſit—Marium ejecit—Octavius collegam ſuum expulit.*] Sylla, by a decree of the ſenate, having obtained the command in the war againſt Mithridates; Marius, who envied him that honour, contrived by means of Sulpicius, a tribune of the people, to get this order of the ſenate reverſed, and the command conferred upon himſelf. In the mean time Sylla, who was upon his march to the Mithridatic war, hearing of what paſſed in the forum, returned with his legions to Rome; and having entered it after ſome reſiſtance, drove Marius and his accomplices to the neceſſity of ſaving themſelves by a precipitate flight. This was the beginning of the firſt civil war, properly ſo called, which Rome had ever ſeen, and what gave both the occaſion, and the example to all the reſt that followed. The tribune Sulpicius was ſlain; and Marius ſo warmly purſued, that he was forced to plunge himſelf into the marſhes of Minturnum, up to the chin in water; in which condition he lay concealed for ſome time, till being diſcovered and dragged out, he was preſerved by the compaſſion of the inhabitants, who, after refreſhing him from the cold and hunger, which he had ſuffered in his flight, furniſhed him with a veſſel and all neceſſaries, to tranſport himſelf into Africa. Cicero calls him here the guardian of the city, a title which was beſtowed upon him, after the concluſion of the war with the Teutones and Cimbri. He was, in like manner with Cicero, a native

preſervation. It was from the immortal gods, Romans, that I derived my reſolution and foreſight; and by their providence, that I was enabled to make ſuch important diſcoveries. The attempt to engage the Allobrogians in the conſpiracy, and the infatuation of Lentulus and his aſſociates, in truſting affairs and letters of ſuch moment to men barbarous and unknown to them, can never ſurely be accounted for, but by ſuppoſing the gods to have confounded their underſtandings. And that the ambaſſadors of the Gauls, a nation ſo diſaffected, and the only one at preſent that ſeems both able and willing to make war upon the Roman people, ſhould ſlight the hopes of empire and dominion, and the advantageous offers of men of patrician rank, and prefer your ſafety to their own intereſt, muſt needs be the effect of a divine interpoſition; eſpecially when they might have gained their ends, not by fighting, but by holding their tongues.

SECT. X. Wherefore, Romans, ſince a thankſgiving has been decreed at all the ſhrines of the gods, celebrate the ſame religiouſly with your wives and children. Many are the proofs of gratitude you have juſtly paid to the gods on former occaſions, but never ſurely were more apparently due than at preſent. You have been ſnatched from a moſt cruel and deplorable fate; and that too without ſlaughter, without blood, without an army, without fighting. In the habit of citizens, and under me your only leader and conductor in the robe of peace, you have obtained the victory. For do but call to mind, Romans, all the civil diſſentions, in which we have been involved; not thoſe only you may have heard of, but thoſe too within your own memory and knowledge. L. Sylla deſtroyed P. Sulpicius; drove Marius, the guardian of this empire, from Rome; and partly baniſhed, partly ſlaughtered, a great number of the moſt deſerving citizens. Cn. Octavius, when conſul, expelled his collegue by force of arms, from the city. The forum was filled with carcaſes, and flowed with the blood of the citizens. Cinna afterwards, in conjunction with Marius, prevailed: and then it was that the very

NOTES.

tive of Arpinum; and is frequently commended by our orator in his ſpeeches. Cn. Octavius was collegue in the conſulſhip with Cornelius Cinna; which laſt attempting to reverſe all that Sylla had eſtabliſhed, was driven out of the city by his collegue, with ſix of the tribunes, and depoſed from the conſulſhip. Upon this he gathered an army, and recalled Marius, who having joined his forces with him, entered Rome in a hoſtile manner, and with the moſt horrible cruelty, put all Sylla's friends to the ſword, without regard to age, dignity, or former ſervices. But Sylla ſoon after returning from the Mithridatic war, changed the face of affairs, reeſtabliſhed himſelf in his former authority, and triumphed over all his enemies.

(18.) *Lumina civitatis extincta ſunt.*] Upon occaſion of the Marian proſcription, there fell, among many others of leſs note, the conſul Cn. Octavius; the two brothers L. Cæſar, and C. Cæſar; P. Craſſus, and the orator

exſtincta ſunt. Ultus eſt hujus victoriæ crudelitatem poſtea Sulla: ne dici quidem opus eſt, (19.) quanta diminutione civium, & quanta calamitate reipub. (20.) Diſſenſit M. Lepidus à clariſſimo & fortiſſimo viro Q. Catulo; attulit (21.) non tam ipſius interitus reipub. luctum, quam cæterorum. Atque illæ diſſenſiones erant hujuſmodi, Quirites, quæ non ad delendam, ſed ad commutandam rempub. pertinerent; non illi nullam eſſe rempub. ſed in ea quæ eſſet, ſe eſſe principes; neque hanc urbem conflagrare, ſed ſe in hac urbe florere, voluerunt. Atque illæ tamen omnes diſſenſiones, quarum nulli exitium reipub. quæſivit, ejuſmodi fuerunt, ut non reconciliatione concordiæ, ſed, internecione civium dijudicatæ ſint. In hoc autem uno poſt hominum memoriam maximo crudeliſſimoque bello (quale bellum nulla unquam barbaria cum ſua gente geſſit; quo in bello lex hæc fuit à Lentulo, Catilina, Caſſio, Cethego conſtituta, ut omnes qui ſalva urbe ſalvi eſſe poſſent, in hoſtium numero ducerentur) ita me geſſi, Quirites, ut omnes ſalvi conſervaremini: & cum hoſtes veſtri tantum civium ſuperfuturum putaſſent, quantum infinitæ cædi reſtitiſſet: tantum autem urbis, quantum flamma obire non potuiſſet: & urbem, & cives integros incolumeſque ſervavi.

XI. Quibus pro tantis rebus, Quirites, nullum ego à vobis præmium virtutis, nullum inſigne honoris, nullum monumentum laudis poſtulo,

NOTES.

orator M. Antonius; whoſe head, as Cicero ſays, was fixed upon that roſtra, where he had ſo ſtrenuouſly defended the republic when conſul, and preſerved the heads of ſo many citizens; lamenting, as it were ominouſly, the miſery of that fate, which happened afterwards to himſelf, from the grandſon of this very Antonius. Q. Catulus alſo, though he had been Marius's collegue in the conſulſhip and his victory over the Cimbri, was treated with the ſame cruelty: for when his friends were interceding for his life, Marius made them no other anſwer, but, he muſt die, he muſt die; ſo that he was obliged to kill himſelf.

(19.) *Quanta diminutione civium.*] Sylla, having ſubdued all who were in arms againſt him, indulged himſelf in a full revenge on his enemies; in which, by the deteſtable method of a proſcription, of which he was the firſt author and inventor, he exerciſed a more infamous cruelty, than had ever been practiſed in cold blood, in that, or perhaps in any other city. The proſcription was not confined to Rome, but carried through all the towns of Italy; where, beſides the crime of party, which was pardoned to none, it was fatal to be poſſeſſed of money, lands, or a pleaſant ſeat; all manner of licence being indulged to an inſolent army, of carving to themſelves what fortunes they pleaſed. There periſhed upon this occaſion ninety ſenators, fifteen of whom were conſulars; and two thouſand ſix hundred Roman knights. We are told, that during the heat and fury of the proſcription, Furfidius admoniſhed him not to make a total havock of the Roman people, but ſuffer ſome to remain alive over whom he might rule.

(20.) *Diſſenſit M. Lepidus a Q. Catulo.*] After the death of Sylla, the old diſſentions, that had been ſmothered a while by the terror of his power, burſt out again into a flame between the two factions, ſupported ſeverally by the two conſuls, Q. Catulus and M. Lepidus, who were wholly oppoſite to each other in party and politics. Lepidus reſolved at all adventures to reſcind the acts of Sylla, and recal the exiled Marians. Catulus's father, the ableſt ſtateſman of his time, and the chief aſſerter of the Ariſtocratical intereſt, had been condemned to die by Marius: the ſon therefore, who inherited his virtues, as well as principles, and was confirmed in them by a reſentment of that injury, vigorouſly oppoſed, and effectually diſappointed all

lights of our country were extinguiſhed by the ſlaughter of her moſt illuſtrious men. Sylla avenged this cruel victory; with what maſſacre of the citizens, with what calamity to the ſtate, it is needleſs to relate. M. Lepidus had a difference with Q. Catulus, a man of the moſt diſtinguiſhed reputation and merit. The ruin brought upon the former was not ſo afflicting to the republick, as that of the reſt who periſhed upon the ſame occaſion. Yet all theſe diſſentions, Romans, were of ſuch a nature, as tended only to a change in the government, not a total deſtruction of the ſtate. It was not the aim of the perſons concerned, to extinguiſh the commonwealth, but to be leading men in it; they deſired not to ſee Rome in flames, but to rule in Rome. And yet all theſe civil differences, none of which tended to the overthrow of the ſtate, were ſo obſtinately kept up, that they never ended in a reconciliation of the parties, but in a maſſacre of the citizens. But in this war, a war the fierceſt and moſt implacable ever known, and not to be paralleled in the hiſtory of the moſt barbarous nations; a war in which Lentulus, Catiline, Caſſius and Cethegus laid it down as a principle, to conſider all as enemies who had any intereſt in the well-being of the ſtate; I have conducted myſelf in ſuch a manner, Romans, as to preſerve you all. And though your enemies imagined that no more citizens would remain, than what eſcaped endleſs maſſacre; nor any more of Rome be left ſtanding, than was ſnatched from a devouring conflagration; yet have I preſerved both city and citizens from harm.

SECT. XI. For all theſe important ſervices, Romans, I deſire no other reward of my zeal, no other mark of honour, no other monument of praiſe, but the perpetual remembrance of this day. It is in your breaſts alone, that I would have all my triumphs, all my titles

NOTES.

all the deſigns of his collegue; who finding himſelf unable to gain his end without recurring to arms, retired to his government of Gaul, where he raiſed what forces he could, and returned at the head of a great army, poſſeſſing himſelf of Etruria without oppoſition, and marching in an hoſtile manner towards the city, to the demand of a ſecond conſulſhip. Catulus, in the mean time, upon the expiration of his office, was inveſted with proconſular authority, and charged with the defence of the government; and Pompey alſo, by a decree of the ſenate, was joined with him in the ſame commiſſion; who having united their forces before Lepidus could reach the city, came to an engagement with him near the Milvian bridge, within a mile or two from the walls, where they totally routed and diſperſed his whole army. Lepidus himſelf eſcaped into Sardinia, where he ſoon after died of grief.

(21.) *Non tam ipſius interitus.*] It is worth while to obſerve what caution and prudence the orator expreſſes in this paſſage. He does not wholly deny, that the death of Lepidus was calamitous to the ſtate: for this ſpeech was addreſſed to the people, who conſidered Lepidus as one of the heads of the Marian party; which, in fact, they were always diſpoſed to favour, regarding it as their own. He therefore allows the fall of this leader to be a misfortune; yet not ſo much for his own ſake, as on account of the many eminent patriots who periſhed on the ſame occaſion.

poſtulo, præterquam hujus diei memoriam ſempiternam. In animis ego veſtris omnes triumphos meos, omnia ornamenta honoris, monumenta gloriæ, laudis inſignia, condi & collocari volo; nihil me mutum poteſt delectare, nihil tacitum, nihil denique hujuſmodi, quod etiam minus digni aſſequi poſſint. Memoria veſtra, Quirites, noſtræ res alentur, ſermonibus creſcent, literarum monumentis inveteraſcent & corroborabuntur: (22.) eandemque diem intelligo, quam ſpero æternam fore, & ad ſalutem urbis, & ad memoriam conſulatus mei propagatam: unoque tempore in hac republica duos cives extitiſſe, quorum alter fines veſtri imperii, non terræ ſed cœli regionibus terminaret; alter ejuſdem imperii domicilium ſedemque ſervaret.

XII. Sed quoniam earum rerum quas ego geſſi, non eſt eadam fortuna atque conditio, quæ illorum qui externa bella geſſerunt: quod mihi vivendum ſit cum illis, quos vici ac ſubegi: iſti hoſtes aut interfectos, aut oppreſſos reliquerunt: veſtrum eſt, Quirites, ſi cæteris recta ſua facta proſunt, mihi mea ne quando obſint, providere; mentes enim hominum audaciſſimorum ſceleratæ ac nefariæ ne vobis nocere poſſent, ego providi: ne mihi noceant, veſtrum eſt providere. Quanquam, Quirites, mihi quidem ipſi nihil jam ab iſtis noceri poteſt; magnum enim eſt in bonis præſidium, quod mihi in perpetuum comparatum eſt: magna in republica dignitas, quæ me ſemper tacita defendet; magna vis eſt conſcientiæ, quam qui negligent, cum me violare volent, ſe ipſi indicabunt. Eſt etiam in nobis is animus, Quirites, ut non modo nullius audaciæ cedamus, ſed etiam omnes improbos ultro ſemper laceſſamus. Quod ſi omnis impetus domeſticorum hoſtium depulſus à vobis ſe in me unum converterit; vobis erit providendum, Quirites, qua conditione poſthac eos eſſe velitis, qui ſe pro ſalute veſtra obtulerint invidiæ, periculiſque omnibus. Mihi quidem ipſi quid eſt quod jam ad vitæ fructum poſſit acquiri, præſertim cum neque in honore veſtro, neque in gloria virtutis quidquam videam altius, (23.) quò quidem mihi libeat aſcendere? Illud perficiam profecto, Quirites, ut ea quæ geſſi

NOTES.

(22.) *Eandemque diem intelligo.*] *Dies* here ſtands for *tempus*, which meaning of the word we frequently meet with in his treatiſe *De Divinatione*. The whole ſentence may be paraphraſed thus: *Intelligo, eandem diem, id eſt, idem tempus propagatum eſſe, et ad ſalutem urbis, et ad memoriam conſulatus mei: quod quidem tempus ſpero æternum fore. Itaque quamdiu ſtabit urbs, tamdiu recordabuntur homines, uno tempore duos in hac republica extitiſſe cives*, &c. By the two citizens of whom he here ſpeaks, it is obvious to every one, that he means himſelf and Pompey. For while he was employed at home, in cruſhing a dangerous conſpiracy, in ſaving the city from a conflagration, and the citizens from ſlaughter: Pompey was no leſs buſied abroad, in exterminating the pirates, who had ſo long infeſted the Mediterranean ſea, and delivering the republick from the terrors of the Mithridatic war.

(23.) *Quo quidem mihi libeat aſcendere.*] Cicero was at this time conſul, which was the higheſt magiſtracy in the commonwealth, the dictatorſhip excepted. But this laſt office, which in early times had oft been of ſingular ſervice to the republick in caſes of difficulty and diſtreſs, was now grown odious and

titles of honour, all the monuments of my glory, all the trophies of my renown, recorded and preſerved. Lifeleſs ſtatues, ſilent teſtimonies of fame; in fine, whatever can be compaſſed by men of inferior merit, has no charms for me. In your remembrance, Romans, ſhall my actions be cheriſhed, from your praiſes ſhall they derive growth and nouriſhment, and in your annals ſhall they ripen and be immortalized: nor will this day, I flatter myſelf, ever ceaſe to be propagated, to the ſafety of the city, and the honour of my conſulſhip: but it ſhall eternally remain upon record, that there were two citizens living at the ſame time in the republick, the one of whom was terminating the extent of the empire by the bounds of the horizon itſelf; the other preſerving the ſeat and capital of that empire.

SECT. XII. But as the fortune and circumſtances of my actions are different from thoſe of your generals abroad, in as much as I muſt live with thoſe whom I have conquered and ſubdued, whereas they leave their enemies either dead or enthralled; it is your part, Romans, to take care, that if the good actions of others are beneficial to them, mine prove not detrimental to me. I have baffled the wicked and bloody purpoſes formed againſt you by the moſt daring offenders; it belongs to you to baffle their attempts againſt me: though as to myſelf, I have in reality no cauſe to fear any thing, ſince I ſhall be protected by the guard of all honeſt men, whoſe friendſhip I have for ever ſecured; by the dignity of the republick itſelf, which will never ceaſe to be my ſilent defender; and by the power of conſcience, which all thoſe muſt needs violate, who ſhall attempt to injure me. Such too is my ſpirit, Romans, that I will never yield to the audaciouſneſs of any, but even provoke and attack all the wicked and the profligate: yet if all the rage of our domeſtick enemies, when repelled from the peopled, ſhall at laſt turn ſingly upon me, you will do well to conſider, Romans, what effect this may afterwards have upon thoſe, who are bound to expoſe themſelves to envy and danger for your ſafety. As to myſelf in particular, what have I further to wiſh for in life, ſince both with regard to the honours you confer, and the reputation flowing from virtue, I have already reached the higheſt point of my ambition. This however I expreſsly engage for, Romans, always to ſupport

NOTES.

and ſuſpected, in the preſent ſtate of its wealth and power, as dangerous to the publick liberty; and for that reaſon, except in the caſe of Sylla, whoſe dictatorſhip was the pure effect of force and terror, had been wholly diſuſed and laid aſide, for about one hundred and forty years paſt. Cicero therefore juſtly ſays, that he had reached the higheſt poſt of honour in the ſtate, ſeeing the dictatorſhip was now become ſo dangerous and ſuſpicious a magiſtracy, that no good citizen thought it lawful to aſpire after it.

geſſi in conſulatu, privatus tuear, atque ornem: ut, ſiqua eſt invidia in conſervanda republica ſuſcepta, lædat invidos, mihi valeat ad gloriam. Denique ita me in republica tractabo, ut meminerim ſemper quæ geſſerim, curemque ut ea virtute, non caſu geſta eſſe videantur. Vos, Quirites, quoniam jam nox eſt, veneramini illum Jovem, cuſtodem hujus urbis ac veſtrum; atque in veſtra tecta diſcedite; & ea, quanquam jam periculum eſt depulſum, tamen, æque ac priori nocte, cuſtodiis vigiliiſque defendite. Id ne vobis diutius faciendum ſit, atque ut in perpetua pace eſſe poſſitis, providebo, Quirites.

ORA-

ſupport and defend in my private condition, what I have acted in my conſulſhip; that if any envy be ſtirred up againſt me for preſerving the ſtate, it may hurt the envious, but advance my glory. In ſhort, I ſhall ſo behave in the republick, as ever to be mindful of my paſt actions, and ſhew that what I did was not the effect of chance, but of virtue. Do you, Romans, ſince it is now night, repair to your ſeveral dwellings, and pray to Jupiter, the guardian of this city, and of your lives: and though the danger be now over, keep the ſame watch in your houſes as before. I ſhall take care to put a ſpeedy period to the neceſſity of theſe precautions, and to ſecure you for the future in uninterrupted peace.

ORATIO VII.

4. In L. CATILINAM *.

I. VIDEO, P.C. in me omnium veſtrûm ora atque oculos eſſe converſos: video vos non ſolum de veſtro ac reipublicæ, verum etiam, ſi id depulſum ſit, de meo periculo eſſe ſolicitos. Eſt mihi jucunda in malis, & grata in dolore, veſtra erga me voluntas: ſed eam, per deos immortales quæſo, deponite; atque obliti ſalutis meæ, de vobis ac de liberis veſtris cogitate. Mihi quidem ſi hæc conditio conſulatus data eſt, ut omnes acerbitates, omnes dolores cruciatuſque perferrem; feram non ſolum fortiter, ſed etiam libenter, dummodo meis laboribus vobis populoque Romano dignitas ſaluſque

NOTES.

* Though the deſign of the conſpiracy was in a great meaſure defeated, by the commitment of the moſt conſiderable of thoſe concerned in it, yet as they had many ſecret favourers and well-wiſhers within the city, the people were alarmed with the rumor freſh plots, formed by the ſlaves and dependents of Lentulus and Cethegus, for the reſcue of their maſters; which obliged Cicero to reinforce his guards; and for the prevention of all ſuch attempts, to put an end to the whole affair, by bringing the queſtion of their puniſhment, without farther delay, before the ſenate; which he accordingly ſummoned for that purpoſe. The debate was of great delicacy and importance; to decide upon the lives of citizens of the firſt rank. Capital puniſhments were rare, and ever odious in Rome, whoſe laws were of all others the leaſt ſanguinary; baniſhment, with confiſcation of goods, being the ordinary puniſhment for the greateſt crimes. The ſenate indeed, as it has been ſaid above, in caſes of ſudden and dangerous tumults, claimed the prerogative of puniſhing the leaders with death, by the authority of their own decrees. But this was looked upon as a ſtretch of power, and an infringement of the rights of the people, which nothing could excuſe; but the neceſſity of times, and the extremity of danger. For there was an old law of Porcius Læca, a tribune, which granted all criminals capitally condemned, an appeal to the people; and a later one of C. Gracchus, to prohibit the taking away the life of any citizen, without a formal hearing before the people: ſo that ſome ſenators, who had concurred in all the previous debates, withdrew themſelves from this, to ſhew their diſlike of what they expected to be the iſſue of it, and to have no hand in putting Roman citizens to death by a vote of the ſenate. Here then was ground enough for Cicero's enemies to act upon, if extreme methods were purſued: he himſelf was aware of it; and ſaw, that the publick intereſt called for the ſevereſt puniſhment, his private intereſt the gentleſt: yet he came reſolved to ſacrifice all regards for his own quiet, to the conſideration of the publick ſafety. As ſoon therefore as he had moved the queſtion, what was to be done with the conſpirators? Silanus, the conſul elect, being called upon to ſpeak the firſt, adviſed, that thoſe who were then in cuſtody, with the reſt who ſhould afterwards be taken, ſhould all be put to death.

ORATION VII.

4. Againſt CATILINE.

SECT. I. I Perceive, conſcript fathers, that every look, that every eye is fixed upon me. I ſee you ſolicitous not only for your own and your country's danger, but was that repelled, for mine alſo. This proof of your affection is grateful to me in ſorrow, and pleaſing in diſtreſs: but by the immortal gods I conjure you! lay it all aſide; and without any regard to my ſafety, think only of yourſelves, and of your families. For ſhould the condition of my conſulſhip be ſuch, as to ſubject me to all manner of pains, hardſhips, and ſufferings; I will bear them not only reſolutely but chearfully, if by my labours I can ſecure your dignity and ſafety, with

NOTES.

death. To this all who ſpoke after him readily aſſented, till it came to Julius Cæſar, then prætor elect, who in an elegant and elaborate ſpeech, treated that opinion, not as cruel, ſince death, he ſaid, was not a puniſhment, but relief to the miſerable, and left no ſenſe either of good or ill beyond it; but as new and illegal, and contrary to the conſtitution of the republick: and tho' heinouſneſs of the crime would juſtify any ſeverity, yet the example was dangerous in a free ſtate; and the ſalutary uſe of arbitrary power in good hands, had been the cauſe of fatal miſchiefs when it fell into bad; of which he produced ſeveral inſtances, both in other cities and their own; and though no danger could be apprehended from theſe times, or ſuch a conſul as Cicero; yet in other times, and under another conſul, when the ſword was once drawn by a decree of the ſenate, no man could promiſe what miſchief it might not do before it was ſheathed again: his opinion therefore was, that the eſtates of the conſpirators ſhould be confiſcated, and their perſons cloſely confined in the ſtrong towns of Italy; and that it ſhould be criminal for any one to move the ſenate or the people for any favour towards them. Theſe two contrary opinions being propoſed, the next queſtion was, which of them ſhould take place: Cæſar's had made a great impreſſion on the aſſembly, and ſtaggered even Silanus, who began to excuſe and mitigate the ſeverity of his vote; and Cicero's friends were going forwardly into it, as likely to create the leaſt trouble to Cicero himſelf, for whoſe future peace and ſafety they began to be ſolicitous: when Cicero obſerving the inclination of the houſe, and riſing up to put the queſtion, made this his fourth ſpeech on the ſubject of the conſpiracy; in which he delivers his ſentiments with all the ſkill both of the orator and ſtateſman; and while he ſeems to ſhew a perfect neutrality, and to give equal commendation to both the opinions, artfully labours all the while to turn the ſcale in favour of Silanus's, which he conſidered as a neceſſary example of ſeverity in the preſent circumſtances of the republick.

(1.)

luſque pariatur. Ego ſum ille Conſul, P. C. cui non forum, in quo omnis æquitas continetur; non campus conſularibus auſpiciis conſecratus; non curia, ſummum auxilium omnium gentium; non domus, commune perfugium; non lectus ad quietem datus; non denique hæc ſedes honoris, ſella curulis, unquam vacua mortis periculo, atque inſidiis fuit. Ego multa tacui, multa pertuli, multa conceſſi, multa meo quodam dolore in veſtro timore ſanavi. Nunc ſi hunc exitum Conſulatus mei dii immortales eſſe voluerunt, ut vos, P. C. populumque Romanum ex cæde miſera, conjuges liberoſque veſtros, virgineſque Veſtales ex acerbiſſima vexatione; templa atque delubra, hanc pulcherrimam patriam omnium noſtrûm ex fædiſſima flamma; totam Italiam ex bello, & vaſtitate eriperem; quæcunque mihi uni proponetur fortuna, ſubeatur. Etenim ſi P. Lentulus ſuum nomen, inductus à vatibus, fatale ad perniciem reipublicæ fore putavit; cur ego non lætor, meum conſulatum ad ſalutem reipublicæ prope fatalem exſtitiſſe.

II. Quare, P. C. conſulite vobis, proſpicite patriæ; conſervate vos, conjuges, liberos, fortunaſque veſtras: populi Romani nomen ſalutemque defendite: (1.) mihi parcere ac de me cogitare deſinite. Nam primum debeo ſperare, omnes deos, qui huic urbi præſident, pro eo mihi ac mereor, relaturos gratiam eſſe; deinde ſi quid obtigerit, æquo animo paratoque moriar; neque enim turpis mors forti viro poteſt accidere, neque immatura conſulari, nec miſera ſapienti. Nec tamen ego ſum ille ferreus, qui fratris cariſſimi atque amantiſſimi præſentis mœrore non movear, horumque omnium lacrymis, à quibus me circumſeſſum videtis: neque meam mentem non domum ſæpe revocat exanimata uxor, abjecta metu filia, & parvulus filius, (2.) quem mihi videtur amplecti reſpublica tanquam obſidem conſulatus mei; neque ille, qui exſpectans hujus exitum diei adſtat in conſpectu meo gener; moveor his rebus omnibus, ſed in eam partem,

NOTES.

(1.) *Mihi parcere, ac de me cogitare deſinite.*] The Romans very ſeldom condemned any free citizen to death. They were often allowed to go into baniſhment, which was reckoned a ſort of death, as it deprived them of all their privileges. The conſuls or dictators, and ſometimes private men, ſlew the ringleaders of a tumult: but it was rather winked at, as a think neceſſary in ſome exigencies, than approved as lawful. Every free citizen had the liberty of an appeal from the ſenate to the people. Cicero very well knew, that all the odium of putting the conſpirators to death, would certainly fall upon him, as he was conſul, and the moſt active perſon in quelling the conſpiracy. For this reaſon he avoids declaring himſelf openly for Silanus's opinion; but at the ſame time deſires them to deliver their opinions freely, without having any regard to what might befal him afterwards. For every act of the ſenate, or people, was always aſcribed to the perſon who ſummoned the aſſembly; as he alone preſided, and put the queſtion: ſo that the odium of putting the conſpirators to death, though voted by the ſenate, would as certainly fall upon Cicero, as if he had done it without their advice. This really was the caſe, and he was afterwards baniſhed for paſſing this very decree.

(2.) *Quem mihi videtur amplecti reſpublica,* &c.] Cicero's ſon was about this time a year old, as appears from the firſt epiſtle of the firſt book of Cicero's letters to Atticus. He calls

that of the people of Rome. Such, conſcript fathers, has been the fortune of my conſulſhip, that neither the forum that center of all equity, nor the field of Mars conſecrated by conſular auſpices, nor the ſenate-houſe, the principal refuge of all nations, nor domeſtick walls, the common azylum of all men; nor the bed, deſtined to repoſe; nay, nor even this honourable ſeat, this chair of ſtate, have been free from perils and the ſnares of death. Many things have I diſſembled, many have I ſuffered, many have I yielded to, and many ſtruggled with in ſilence, for your quiet. But if the immortal gods would grant that iſſue to my conſulſhip, of ſaving you, conſcript fathers, and the people of Rome, from a maſſacre; your wives, your children, and the veſtal virgins, from the bittereſt perſecution; the temples and altars of the gods, with this our fair country from ſacrilegious flames; and all Italy from war and deſolation; let what fate ſoever attend me, I will be content with it. For if P. Lentulus, upon the report of ſoothſayers, thought his name portended the ruin of the ſtate; why ſhould not I rejoice that my conſulſhip has been as it were reſerved by fate for its preſervation.

SECT. II. Wherefore, conſcript fathers, think of your own ſafety, turn your whole care upon the ſtate, ſecure yourſelves, your wives, your children, your fortunes; guard the lives and dignity of the people of Rome; and ceaſe your concern and anxiety for me. For firſt, I have reaſon to hope, that all the gods, the protectors of this city, will reward me according to my deſerts. Then ſhould any thing extraordinary happen, I am prepared to die with an even and conſtant mind. For death can never be diſhonourable to the brave, nor premature to one who has reached the dignity of conſul, nor afflicting to the wiſe. Not that I am ſo hardned againſt all the impreſſions of humanity, as to remain indifferent to the grief of a dear and affectionate brother here preſent, and the tears of all thoſe by whom you ſee me ſurrounded. Nor can I forbear to own, that an afflicted wife, a daughter diſpirited with fear, an infant ſon, whom my country ſeems to embrace as the pledge of my conſulſhip, and a ſon-in-law, whom I behold waiting with anxiety the iſſue of this day,

NOTES.

calls him here the pledge of his conſulſhip, probably for this reaſon, becauſe ſuch as had no children, were ſuppoſed to be leſs anxious for the publick ſafety, than thoſe who had. For where there were children, there was evidently a double tye upon the father to watch over the preſervation of the ſtate; unleſs we ſuppoſe him diveſted of all ſenſe of humanity, and without that principle of affection towards his offſpring, which nature has been ſo careful to plant not only in man, but even in brutes. Hence among the ancient Marſeillians, no man was advanced to the honours and dignities of the ſtate, but ſuch as were married, and had children. Cicero's little ſon therefore, who was ſo very dear to his father, was a kind of pledge in the hands of the commonwealth, and gave the ſtrongeſt aſſurance that the father would undertake nothing but with an eye to the publick advantage.

tem, ut ſalvi ſint vobiſcum omnes, etiam ſi vis aliqua me oppreſſerit, potius quam ut & illi, & nos una reipub. peſte pereamus. Quare, P. C. incumbite ad reipub. ſalutem: circumſpicite omnes procellas, quæ impendent, niſi providetis; non Tib. Gracchus, qui iterum tribunus plebis fieri voluit: non C. Gracchus, qui agrarios concitare conatus eſt: non L. Saturninus, qui C. Memmium occidit, in diſcrimen aliquod, atque in veſtræ ſeveritatis judicium adducitur. Tenentur ii, qui ad urbis incendium, ad veſtrum omnium cædem, ad Catilinam accipiendum Romæ reſtiterunt; tenentur literæ, ſigna, manus, denique uniuſcujuſque confeſſio: ſolicitantur Allobroges: ſervitia excitantur: Catilina arceſſitur: id eſt, initum conſilium, ut, interfectis omnibus, nemo ne ad deplorandum quidem reip. nomen, atque ad lamentandam tanti imperii calamitatem relinquatur.

III. Hæc omnia indices detulerunt, rei confeſſi ſunt, vos multis jam judiciis judicaviſtis: primum, quod mihi gratias egiſtis ſingularibus verbis, & mea virtute atque diligentia perditorum hominum patefactam eſſe conjurationem decreviſtis: deinde, quod P. Lentulum, ut ſe abdicaret prætura coëgiſtis: tum, quod eum, & cæteros, de quibus judicaviſtis, in cuſtodiam dandos cenſuiſtis: maximeque, quod meo nomine ſupplicationem decreviſtis, qui honos togato habitus ante me eſt nemini: poſtremò, heſterno die præmia legatis Allobrogum, Titoque Vulturcio dediſtis ampliſſima; quæ ſunt omnia ejuſmodi, ut ii, qui in cuſtodiam nominatim dati ſunt, ſine ulla dubitatione à vobis damnati eſſe videantur. Sed ego inſtitui referre ad vos, P. C. tanquam integrum, & de facto, quid judicetis; & de pœna, quid cenſeatis; illa prædicam, quæ ſunt conſulis. Ego magnum in republica verſari furorem, nova quædam miſceri & concitari mala jampridem videbam: ſed hanc tantam, tam exitioſam haberi conjurationem à civibus nunquam putavi. Nunc quidquid eſt, quocunque veſtræ mentes inclinant atque ſententiæ, (3.) ſtatuendum vobis ante noctem eſt. Quantum facinus ad nos delatum ſit, videtis: huic ſi paucos putatis affines eſſe, vehementer erratis. Latius opinione diſſeminatum eſt hoc malum: manavit non ſolum per Italiam, verum etiam tranſcendit Alpes, & obſcure ſerpens multas jam provincias

NOTES.

(3.) *Statuendum vobis ante noctem eſt.*] There were two reaſons that made it neceſſary for the ſenate to come to ſome reſolution before night. Firſt, becauſe it was to be feared, that the friends and favourers of the conſpirators, would raiſe ſome tumult during the night, and attempt a reſcue. Secondly, becauſe there was a neceſſity for diſmiſſing the ſenate before night. For we learn from Varro in Aulus Gellius, that no decree of the ſenate was looked upon as valid, if it paſſed after ſun-ſet, or before ſun-riſe.

day, often recal my thoughts homewards. All theſe objects affect me, yet in ſuch a manner, that I am chiefly concerned for their preſervation and yours, and ſcruple not to expoſe myſelf to any hazard, rather than that they and all of us ſhould be involved in one general ruin. Wherefore, conſcript fathers, apply yourſelves wholly to the ſafety of the ſtate, guard againſt the ſtorms that threaten us on every ſide, and which it will require your utmoſt circumſpection to avert. It is not a Tiberius Gracchus, caballing for a ſecond tribuneſhip; nor a Caius Gracchus, ſtirring up the people in favour of his Agrarian law; nor a Lucius Saturninus, the murderer of Caius Memmius, who is now in judgment before you, and expoſed to the ſeverity of the law: but traitors, who remained at Rome to fire the city, to maſſacre the ſenate, and to receive Catiline. Their letters, their ſeals, their hands; in ſhort, their ſeveral confeſſions, are in your cuſtody; and clearly convict them, of ſoliciting the Allobrogians, ſpiriting up the ſlaves, and ſending for Catiline. The ſcheme propoſed was, to put all without exception to the ſword, that not a ſoul might remain to lament the fate of the commonwealth, and the overthrow of ſo mighty an empire.

SECT. III. All this has been proved by witneſſes, the criminals themſelves have confeſſed, and you have already condemned them by ſeveral previous acts. Firſt, by returning thanks to me in the moſt honourable terms, and declaring that by my virtue and vigilance, a conſpiracy of deſperate men has been laid open. Next, by depoſing Lentulus from the prætorſhip, and committing him, with the reſt of the conſpirators, to cuſtody. But chiefly, by decreeing a thankſgiving in my name, an honour which was never before conferred upon any man in the gown. Laſtly, you yeſterday voted ample rewards to the deputies of the Allobrogians, and Titus Vulturcius: all which proceedings are of ſuch a nature, as plainly to make it appear, that you already without ſcruple condemn thoſe, whom you have by name ordered into cuſtody. But I have reſolved, conſcript fathers, to propoſe to you anew the queſtion both of the fact and puniſhment, having firſt premiſed what I think proper to ſay as conſul. I have long obſerved a ſpirit of diſorder working in the ſtate, new projects deviſing, and pernicious ſchemes ſet on foot: but never could I imagine, that a conſpiracy ſo dreadful and deſtructive, had entered into the minds of citizens. Now whatever you do, or which ever way your thoughts and voices ſhall incline, you muſt come to a reſolution before night. You ſee the heinous nature of the crime laid before you; and if you think that but few are concerned in it, you are greatly miſtaken. The miſchief is ſpread wider than moſt people imagine, and has not only infected Italy, but croſſed the Alps, and imperceptibly creeping along,

provincias occupavit. Id opprimi ſuſtentando ac prolatando nullo pacto poteſt; quacunque ratione placet, celeriter vobis vindicandum eſt.

IV. Video duas adhuc eſſe ſententias: unam D. Silani, qui cenſet eos, qui hæc delere conati ſunt, morte eſſe multandos: (4.) alteram C. Cæſaris, qui mortis pœnam removet, cæterorum ſupplicíorum omnes acerbitates amplectitur. Uterque & pro ſua dignitate, & pro rerum magnitudine in ſumma ſeveritate verſatur. Alter eos, qui nos omnes, qui populum Romanum vita privare conati ſunt, qui delere imperium, qui populi Romani nomen exſtinguere, punctum temporis frui vita & hoc communi ſpiritu non putat oportere: atque hoc genus pœnæ ſæpe in improbos cives in hac republ. eſſe uſurpatum recordatur. Alter intelligit, mortem à diis immortalibus non eſſe ſupplicii cauſa conſtitutam, ſed aut neceſſitatem naturæ, aut laborum ac miſeriarum quietem eſſe; itaque eam ſapientes nunquam inviti, fortes etiam ſæpe libenter oppetiverunt; vincula vero, & ea ſempiterna, certe ad ſingularem pœnam nefarii ſceleris inventa ſunt; itaque municipiis diſpertiri jubet. Habere videtur iſta res iniquitatem, ſi imperare velis: difficultatem, ſi rogare; decernatur tamen, ſi placet. Ego enim ſuſcipiam, &, ut ſpero, reperiam, qui id, quod ſalutis omnium cauſa ſtatueritis, non putet ſuæ dignitatis recuſare. Adjungit gravem pœnam municipibus, ſi quis eorum vincula ruperit: horribiles cuſtodias circundat, & digna ſcelere hominum perditorum ſancit; ne quis eorum pœnam, quos condemnat, aut per Senatum, aut per populum levare poſſit: eripit etiam ſpem, quæ ſola hominem in miſeriis conſolari ſolet; bona præterea publicari jubet: vitam ſolam relinquit nefariis hominibus: quam ſi eripuiſſet, multas uno dolore animi ac corporis, & omnes ſcelerum pœnas ademiſſet. Itaque ut aliqua in vita formido improbis eſſet poſita, apud inferos ejuſmodi quædam illi antiqui ſupplicia impiis conſtituta eſſe voluerunt; quod videlicet intelligebant, his remotis, non eſſe mortem ipſam pertimeſcendam.

V. Nunc, P. C. ego mea video quid interſit; ſi eritis ſecuti ſententiam C. Cæſaris, quoniam hanc is in republica viam, quæ popularis habetur, ſecutus eſt, fortaſſe minus erunt, hoc auctore & cognitore hujuſce ſententiæ, mihi populares impetus pertimeſcendi: ſin

NOTES.

(4.) *Alteram C. Cæſaris.*] His opinion was, as we have already ſeen, perpetual impriſonment in the free towns of Italy. The ſpeech he made upon this occaſion, or at leaſt the ſubſtance of it, is extant in Salluſt. This, with his former behaviour, made him be looked upon as a well-wiſher to the conſpiracy; ſo that the knights, who kept guard round the ſenate-houſe, threatned to kill him, as he came out of the houſe; and ſome ſay, they would have done it, if Cicero had not protected him, and carried him home with him. Cæſar was ſo frightened at this, that he never came abroad again, till he entered upon his office of prætor the enſuing year.

along, ſeized many provinces. You can never hope to ſuppreſs it by delay and irreſolution. Whatever courſe you take, you muſt proceed with vigour and expedition.

SECT. IV. There are two opinions now before you; the firſt, of D. Silanus, who thinks the projectors of ſo deſtructive a conſpiracy worthy of death; the ſecond, of C. Cæſar, who, excepting death, is for every other the moſt rigorous method of puniſhing. Each, agreeably to his dignity, and the importance of the cauſe, is for treating them with the laſt ſeverity. The one thinks, that thoſe who have attempted to deprive us and the Roman people of life, to aboliſh this empire, and extinguiſh the very name of Rome, ought not to enjoy a moment's life, or breathe this vital air: and hath ſhewed withal, that this puniſhment has often been inflicted by this ſtate on ſeditious citizens. The other maintains, that death was not deſigned by the immortal gods as a puniſhment, but either as a neceſſary law of our nature, or a ceſſation of our toils and miſeries; ſo that the wiſe never ſuffer it unwillingly, the brave often ſeek it voluntarily: that bonds and impriſonment, eſpecially if perpetual, are contrived for the puniſhment of deteſtable crimes: that therefore the criminals ſhould be diſtributed among the municipal towns. In this propoſal, there ſeems to be ſome injuſtice, if you impoſe it upon the towns; or ſome difficulty, if you only deſire it. Yet decree ſo, if you think fit. I will endeavour, and I hope I ſhall be able to find thoſe, who will not think it unſuitable to their dignity, to comply with whatever you ſhall judge neceſſary for the common ſafety. He adds a heavy penalty on the municipal towns, if any of the criminals ſhould eſcape; he inveſts them with formidable guards; and, as the enormity of their guilt deſerves, forbids under ſevere penalties all application to the ſenate or people, for a mitigation of their puniſhment. He even deprives them of hope, the only comfort of unhappy mortals. He orders their eſtates alſo to be confiſcated, and leaves them nothing but life; which, if he had taken away, he would by one momentary pang have eaſed them of much anguiſh both of mind and body, and all the ſufferings due to their crimes. For it was on this account that the ancients invented thoſe infernal puniſhments of the dead; to keep the wicked under ſome awe in this life, who without them would have no dread of death itſelf.

SECT. V. Now, conſcript fathers, I ſee how much my intereſt is concerned in the preſent debate. If you follow the opinion of C. Cæſar, who has always purſued thoſe meaſures in the ſtate, which favour moſt of popularity; I ſhall perhaps be leſs expoſed to the arrows of publick hatred, when he is known for the author and

ſin illam alteram ſecuti eritis; neſcio an amplius mihi negotii contrahatur; ſed tamen meorum periculorum rationes utilitas reipublicæ vincat. Habemus enim à C. Cæſare, ſicut ipſius dignitas, & majorum ejus amplitudo poſtulabat, ſententiam, tanquam obſidem perpetuæ in rempublicam voluntatis; intellectum eſt quid interſit inter lenitatem (5.) concionatorum, & animum vere popularem, ſaluti populi conſulentem. (6.) Video de iſtis, qui ſe populares haberi volunt, abeſſe non neminem, ne de capite videlicet civium Romanorum ſententiam ferat; is & nudiuſtertius in cuſtodiam cives Romanos Cethegum, & P. Lentulum dedit, & ſupplicationem mihi decrevit, & indices heſterno die maximis præmiis affecit. Jam hoc nemini dubium eſt, qui reo cuſtodiam, quæſitori gratulationem, indici præmium decrevit, quid de tota re & cauſa judicarit. At vero C. Cæſar intelligit, (7.) legem Semproniam eſſe de civibus Romanis conſtitutam: qui autem reipub. ſit hoſtis, eum civem eſſe nullo modo poſſe: denique ipſum latorem legis Sempronіæ, juſſu populi pœnas reip. dependiſſe; idem etiam ipſum Lentulum largitorem & prodigum non putat, cum de pernicie reip. & exitio hujus urbis tam acerbe tamque crudeliter cogitarit, appellari poſſe popularem. Itaque homo mitiſſimus atque leniſſimus non dubitat P. Lentulum æternis tenebris vinculiſque mandare: & ſancit in poſterum, ne quis hujus ſupplicio levando ſe jactare, & in pernicie reipub. poſthac popularis eſſe poſſit; adjungit etiam publicationem bonorum, ut omnes animi cruciatus & corporis, etiam egeſtas ac mendicitas conſequatur.

VI. Quamobrem ſive hoc ſtatueritis; dederitis mihi (8.) comitem ad concionem populo Romano carum atque jucundum: ſive illam

NOTES.

(5.) *Concionatorum.*] This word, for the moſt part, implies ſome cenſure of the perſons to whom it is applied; and ſo doubtleſs we are to underſtand it here. For he oppoſes theſe declaimers to the truly popular mind, that aims at nothing but the good of the publick. We may therefore very well ſuppoſe, that he means this as a reproof to thoſe turbulent ſpeakers, and factious tribunes, who endeavoured by ſeditious harangues to ſpirit up the people againſt the nobility and ſenate.

(6.) *Video—abeſſe non neminem.*] We have no light from hiſtory as to who the particular perſon here mentioned was. It appears only that he was ſome ſenator, who had hitherto attended the meetings of that body, and concurred in all their previous votes; but choſe to abſent himſelf this day, with a view of acquiring the character of popularity. Cicero here juſtly derides the folly of ſuch a conduct, ſince, if there was any thing exceptionable in condemning the conſpirators, he had already incurred that guilt, by conſenting to all the previous decrees made againſt them, which conſidered them as traitors to their country, and therefore worthy of the ſevereſt puniſhment.

(7.) *Legem Semproniam.*] This law was propoſed by C. Sempronius Gracchus, and had its name from the perſon who propoſed it, as moſt other laws had. It decreed, that no Roman citizen ſhould be condemned to death by any judge, or even by the ſenate, but only by the aſſembly of the people: and frequently this ſentence of death was allowed to be exchanged for baniſhment, which the old Romans thought a ſufficient puniſhment for any crime, how great ſoever.

(8.)

adviſer of this vote. But if you fall in with the motion of D. Silanus, I know not what difficulties it may bring me under. However, let the ſervice of the commonwealth ſuperſede all conſiderations of my danger. Cæſar, agreeably to his own dignity, and the merits of his illuſtrious anceſtors, has by this propoſal given us a perpetual pledge of his affection to the ſtate, and ſhewed the difference between the affected lenity of buſy declaimers, and a mind truly popular, which ſeeks nothing but the real good of the people. I obſerve that one of thoſe, who affects the character of popularity, has abſented himſelf from this day's debate, that he may not give a vote upon the life of a Roman citizen. Yet but the other day he concurred in ſending the criminals to priſon, voted me a thankſgiving, and yeſterday decreed ample rewards to the informers. Now no one can doubt what his ſentiments are on the merits of the cauſe, who votes impriſonment to the accuſed, thanks to the diſcoverer of the conſpiracy, and rewards to the informers. But C. Cæſar urges the Sempronian law, forbidding to put Roman citizens to death. Yet here it ought to be remembered, that thoſe who are adjudged enemies to the ſtate, can no longer be conſidered as citizens; and that the author of that law himſelf ſuffered death by the order of the people. Neither does Cæſar think that the profuſe and prodigal Lentulus, who has concerted ſo many cruel and bloody ſchemes for the deſtruction of the Roman people, and the ruin of the city, can be called a popular man. Accordingly this mild and merciful ſenator, makes no ſcruple of condemning P. Lentulus to perpetual bonds and impriſonment; and provides that no one ſhall henceforward have it in his power to boaſt of having procured a mitigation of this puniſhment, or made himſelf popular by a ſtep ſo deſtructive to the quiet of his fellow-citizens. He likewiſe adds the confiſcation of their goods, that want and beggary may attend every torment of mind and body.

SECT. VI. If therefore you decree according to this opinion, you will give me a partner and companion to the aſſembly, who is dear and agreeable to the Roman people. Or, if you prefer that of

NOTES.

(8.) *Comitem ad concionem populo Romano carum atque jucundum.*] After the ſenate had decreed any thing extraordinary, it was uſual for the perſon who propoſed the decree, or him who had the chief hand in promoting it, to give an account of the affair to the people from the roſtra, with a defence of the ſenate's conduct. This was ſomething more than matter of mere compliment, ſince the people could reverſe any decree of the ſenate. Cicero therefore tells them, that if Cæſar's opinion was followed, it would be of great ſervice to him, in getting ſuch a perſon as Cæſar to appear with him in the aſſembly of the people; for Cæſar, even at this time, was very popular; and was, by his largeſſes, laying a foundation for that heighth of power, to which he afterwards raiſed himſelf.

(9.)

illam Silani ſententiam ſequi malueritis; facile me, atque vos à crudelitatis vituperatione defendetis: atque obtinebo, eam multo leviorem fuiſſe. Quanquam, P. C. quæ poteſt eſſe in tanti ſceleris immanitate punienda crudelitas? Ego enim de meo ſenſu judico. Nam ita mihi ſalvâ rep. vobiſcum perfrui liceat, ut ego, quod in hac cauſa vehementior ſum, non atrocitate animi moveor (quis enim eſt me mitior?) ſed ſingulari quadam humanitate, & miſericordia. Videor enim mihi hanc urbem videre, lucem orbis terrarum, atque arcem omnium gentium, ſubito uno incendio concidentem: cerno animo ſepulta in patria miſeros, atque inſepultos acervos civium: verſatur mihi ante oculos aſpectus Cethegi, & furor in veſtra cæde bacchantis. Cum verò mihi propoſui regnantem Lentulum, ſicut ipſe ſe ex fatis ſperaſſe confeſſus eſt: purpuratum eſſe hunc Gabinium; cum exercitu veniſſe Catilinam: tum lamentationem matrumfamilias, tum fugam virginum, atque puerorum, ac vexationem virginum Veſtalium perhorreſco: & quia mihi vehementer hæc videntur miſera atque miſeranda, idcirco in eos, qui ea perficere voluerunt, me ſeverum vehementemque præbeo. Etenim quæro, ſi quis paterfamilias, liberis ſuis à ſervo interfectis, uxore occiſa, incenſa domo, ſupplicium de ſervis quam acerbiſſimum ſumpſerit, utrum is clemens ac miſericors, an inhumanus & crudeliſſimus eſſe videatur? mihi vero importunus ac ferreus, qui non dolore ac cruciatu nocentis, ſuum dolorem cruciatumque lenierit. Sic nos in his hominibus, qui nos, qui conjuges, qui liberos noſtros trucidare voluerunt; qui ſingulas uniuſcujuſque noſtrûm domos, & hoc univerſum reipublicæ domicilium delere conati ſunt; qui id egerunt (9,) ut gentem Allobrogum in veſtigiis hujus urbis, atque in cinere deflagrati imperii collocarent: ſi vehementiſſimi fuerimus, miſericordes habebimur: ſin remiſſiores eſſe voluerimus, ſummæ nobis crudelitatis in patriæ civiumque pernicie fama ſubeunda eſt. (10.) Niſi vero cupiam L. Cæſar, vir fortiſſimus, & amantiſſimus reipub. crudelior nudiuſtertius eſt viſus, cum ſororis ſuæ, fœminæ lectiſſimæ,

NOTES.

(9.) *Ut gentem Allobrogum in veſtigiis hujus urbis.*] Catiline's party had made no ſuch agreement with the Allobrogians: they had only promiſed an abatement, or perhaps a total abolition of all their taxes, provided they would aſſiſt the conſpirators with their horſe, in which they were reckoned to excel all other nations. But Cicero, like a true orator, repreſents every thing in the worſt light, to inſpire the ſenators with the greater indignation. Indeed it is hard to ſay, what might have been the conſequences of Catiline's obtaining a victory, by the aſſiſtance of the Gauliſh horſe; or how far the Allobrogians might have improved that opportunity to the ruin of both parties.

(10.) *Niſi vero cupiam L. Cæſar.*] Lucius Cæſar was uncle to C. Julius Cæſar the dictator, and grandſon of Marcus Fulvius Flaccus. His ſiſter Julia, the widow of Marcus Antonius Criticus, was at this time married to P. Lentulus the conſpirator. By her firſt huſband ſhe was the mother of that Mark Antony, who was afterwards Triumvir, and became ſo famous by his love for Cleopatra, and defeat at Actium. If we believe Plutarch,

Silanus, it will be eaſy ſtill to defend both you and myſelf from any imputation of cruelty; nay, and to make appear, that it is much the gentler puniſhment of the two. And yet, conſcript fathers, what cruelty can be committed in the puniſhment of ſo enormous a crime? I ſpeak according to my real ſenſe of the matter. For may I never enjoy, in conjunction with you, the benefit of my country's ſafety, if the eagerneſs which I ſhew in this cauſe proceeds from any ſeverity of temper, (for no man has leſs of it,) but from pure humanity and clemency. For I ſeem to behold this city, the light of the univerſe, and the citadel of all nations, ſuddenly involved in flames. I figure to myſelf my country in ruins, and the miſerable bodies of ſlaughtered citizens, lying in heaps without burial. The image of Cethegus, furiouſly revelling in your blood, is now before my eyes. But when I repreſent to my imagination Lentulus on the throne, as he owns the fates encouraged him to hope; Gabinius cloathed in purple; and Catiline approaching with an army; then am I ſtruck with horror at the ſhrieks of mothers, the flight of children, and the violation of the veſtal virgins. And becauſe theſe calamities appear to me in the higheſt degree deplorable and dreadful, therefore am I ſevere and unrelenting towards thoſe who endeavoured to bring them upon us. For let me aſk, ſhould a maſter of a family, finding his children butchered, his wife murdered, and his houſe burnt by a ſlave, inflict upon the offender a puniſhment that fell ſhort of the higheſt degree of rigour; would he be accounted mild and merciful, or inhuman and cruel? For my own part, I ſhould look upon him as hard-hearted and inſenſible, if he did not endeavour to allay his own anguiſh and torment, by the torment and anguiſh of the guilty cauſe. It is the ſame with us in reſpect of thoſe men who intended to murder us with our wives and children; who endeavoured to deſtroy our ſeveral dwellings, and this city, the general ſeat of the commonwealth; who conſpired to ſettle the Allobrogians upon the ruins of this ſtate, and raiſe them from the aſhes of our empire. If we puniſh them with the utmoſt ſeverity, we ſhall be accounted compaſſionate; but if we are remiſs in the execution of juſtice, we may deſervedly be charged with the greateſt cruelty, in expoſing the republick and our fellow-citizens to ruin. Unleſs any one will pretend to ſay, that L. Cæſar, a brave man, and zealous for the intereſt of his country, acted a cruel part the other day, when he declared, that the huſband of his ſiſter, a lady of diſtinguiſhed merit, and that too in his own preſence and hearing, deſerved to ſuffer

NOTES.

tarch, in his life of Antony, the puniſhment now inflicted upon Lentulus, was the ſource of that enmity, which afterwards broke out with ſo much violence, between this very Antony and Cicero.

lectiſſimæ, virum præſentem & audientem vita privandum eſſe dixit; (11.) cum avum juſſu Coſſ. interfectum, filiumque ejus impuberem legatum à patre miſſum, in carcere necatum eſſe dixit. Quorum quod ſimile fuit factum? quod initum delendæ reip. conſilium? Largitionis voluntas tum in republica verſata eſt, & partium quædam contentio. Atque illo tempore hujus avus Lentuli, clariſſimus vir, armatus Gracchum eſt perſecutus, & grave tum vulnus accepit, ne quid de ſumma dignitate reipub. minueretur: hic ad evertenda fundamenta reip. Gallos arceſſivit, ſervitia concitavit, Catilinam evocavit, attribuit nos trucidandos Cethego, cæteros cives interficiendos Gabinio, urbem inflammandam Caſſio, totam Italiam vaſtandam diripiendamque Catilinæ. Vereamini, cenſeo, ne in hoc ſcelere tam immani ac nefario, nimis aliquid ſevere ſtatuiſſe videamini: cum multo magis ſit verendum, ne remiſſione pœnæ crudeles magis in patriam, quàm ne ſeveritate animadverſionis nimis vehementes in acerbiſſimos hoſtes fuiſſe videamini.

VII. Sed quæ exaudio, P. C. diſſimulare non poſſum; jactantur enim voces, quæ perveniunt ad aures meas, eorum, qui vereri videntur, ut habeam ſatis præſidii ad ea, quæ vos ſtatueritis hodierno die tranſigenda. Omnia proviſa, parata, & conſtituta ſunt, P. C. cum mea ſumma cura atque diligentia, tum multo etiam majore populi Romani ad ſummum imperium retinendum, & ad communes fortunas conſervandas voluntate. Omnes adſunt omnium ordinum homines, omnium denique ætatum: plenum eſt forum, plena templa circa forum, pleni omnes aditus hujus loci ac templi. Cauſa enim eſt, poſt urbem conditam hæc inventa ſola, in qua omnes ſentirent unum atque idem, præter eos, qui, cùm ſibi viderent eſſe pereundum, cum omnibus potius, quam ſoli perire voluerunt; hoſce ego homines excipio, & ſecerno libenter; neque enim in improborum civium, ſed in acerbiſſimorum hoſtium numero habendos puto. Cæteri vero, dii immortales! qua frequentia, quo ſtudio, qua virtute ad communem dignitatem, ſalutemque conſentiunt? Quid ego hic equites Romanos commemorem? qui vobis ita ſummam ordinis conſiliique concedunt, ut vobiſcum de amore reip. certent: quos ex (12.) multorum annorum diſſenſione ad hujus ordinis

NOTES.

(11.) *Cum avum juſſu conſulis interfectum, filiumque ejus*, &c.] There is no occaſion for any corrections or alterations in this place. L. Cæſar had ſaid, that Lentulus, his ſiſter's huſband, deſerved death; and, to confirm what he advanced, he mentioned the example of his grandfather Marcus Fulvius Flaccus, who tho' far leſs guilty, was yet ſlain by order of the conſul Opimius. Nay one of the ſons of this Flaccus, being ſent by his father as an ambaſſador to the conſul, to propoſe an accommodation; Opimius ſent him back with ſevere threatnings, if he ſhould dare to return with any propoſal, beſides that of an immediate ſurrender. The ſon returning to the conſul with other propoſals, was ſeized, and, after the defeat of his party, was put to death by the conſul's orders, though but eighteen years old.

ſuffer death; alledging the example of his grandfather, ſlain by order of the conſul; who likewiſe commanded his ſon, a mere youth, to be executed in priſon, for bringing him a meſſage from his father. And yet what was their crime compared with that now before us? had they formed any conſpiracy to deſtroy their country? a partition of lands was then indeed propoſed, and a ſpirit of faction began to prevail in the ſtate; at which time the grandfather of this very Lentulus, an illuſtrious patriot, attacked Gracchus in arms; and in defence of the honour and dignity of the commonwealth, received a cruel wound. This his unworthy deſcendant, to overthrow the very foundations of the ſtate, ſends for the Gauls, ſtirs up the ſlaves, invites Catiline, aſſigns the murdering of the ſenators to Cethegus, the maſſacre of the reſt of the citizens to Gabinius, the care of ſetting the city on fire to Caſſius, and the devaſtation and plunder of Italy to Catiline. Is it poſſible you ſhould be afraid of being thought too ſevere in the puniſhment of ſo unnatural and monſtrous a treaſon? when in reality you have much more cauſe to dread the charge of cruelty to your country for your too great lenity, than the imputation of ſeverity for proceeding in an exemplary manner againſt ſuch implacable enemies.

SECT. VII. But I cannot, conſcript fathers, conceal what I hear. Reports are ſpread through the city, and have reached my ears, tending to inſinuate, that we have not a ſufficient force to ſupport and execute what you ſhall this day decree. But be aſſured, conſcript fathers, that every thing is concerted, regulated, and ſettled, partly through my extreme care and diligence; but ſtill more by the indefatigable zeal of the Roman people, to ſupport themſelves in the poſſeſſion of empire, and preſerve their common fortunes. The whole body of the people is aſſembled for your defence: the forum, the temples round the forum, and all the avenues of the ſenate are poſſeſſed by your friends. This, indeed, is the only cauſe ſince the building of Rome, in which all men have been unanimous, thoſe only excepted, who finding their own ruin unavoidable, choſe rather to periſh in the general wreck of their country, than fall by themſelves. Theſe I willingly except, and ſeparate from the reſt; for I conſider them not ſo much in the light of bad citizens, as of implacable enemies. But then as to the reſt, immortal gods! in what crouds, with what zeal, and with what courage do they all unite in defence of the publick welfare and dignity? What occaſion is there to ſpeak here of the Roman knights? who without diſputing your precedency in rank, and the adminiſtration of affairs, vie

NOTES.

(12.) *Multorum annorum diſſenſione.*] The Sempronian law had admitted the judges to be choſen out of the knights; but L. Sylla again reſtored this privilege to the ſenators only.

dinis ſocietatem concordiamque revocatos, hodiernus dies vobiſcum atque hæc cauſa conjungit; quam conjunctionem ſi in conſulatu confirmatam meo, perpetuam in republica tenuerimus, confirmo vobis, nullum poſthac malum civile ac domeſticum ad ullam reipub. partem eſſe venturum. Pari ſtudio defendendæ reipub. conveniſſe video (13.) tribunos ærarios, fortiſſimos viros, ſcribas item univerſos; quos cum caſu hic dies ad ærarium frequentaſſet, video ab exſpectatione ſortis ad communem ſalutem eſſe converſos. Omnis ingenuorum adeſt multitudo, etiam tenuiſſimorum. Quis eſt enim cui non hæc templa, aſpectus urbis, poſſeſſio libertatis, lux denique hæc ipſa, & hoc commune patriæ ſolum, cùm ſit carum, tum vero dulce atque jucundum?

VIII. Operæ pretium eſt, P. C. libertinorum hominum ſtudia cognoſcere, qui ſua virtute fortunam civitatis conſecuti, hanc vere ſuam patriam eſſe judicant: quam quidam hinc nati, & ſummo nati loco, non patriam ſuam, ſed urbem hoſtium eſſe judicaverunt. Sed quid ego hujuſce ordinis homines commemorem, quos privatæ fortunæ, quos communis reſpublica, quos denique libertas ea, quæ dulciſſima eſt, ad ſalutem patriæ defendendam excitavit? ſervus eſt nemo, qui modo tolerabili conditione ſit ſervitutis, qui non audaciam civium perditorum perhorreſcat; qui non obſtare cupiat; qui non tantum, quantum audet, & quantum poteſt, conferat ad communem ſalutem voluntatis. Quare ſi quem veſtrùm fortè commovet hoc quod auditum eſt, lenonem quendam Lentuli concurſare circum tabernas, pretio ſperantem ſolicitari poſſe animos egentium atque

NOTES.

only. Aurelius Cotta, a few years before this, had readmitted the knights to the right of judicature. This had occaſioned a difference between the two orders for almoſt a century: but no ſooner was Cicero entered upon his conſulſhip, than he formed the project of uniting the equeſtrian order with the ſenate, in one common party and intereſt. The knights, next to the ſenators, conſiſted of the richeſt and moſt ſplendid families of Rome, who from the eaſe and affluence of their fortunes were naturally well affected to the proſperity of the republick; and being alſo the conſtant farmers of all the revenues of the empire, had a great part of the inferior people dependent upon them. Cicero imagined, that the united weight of theſe two orders, would always be an over-balance to any other power in the ſtate, and a ſecure barrier againſt any attempts of the popular and ambitious upon the common liberty. He was the only man in the city capable of effecting ſuch a coalition, being now at the head of the ſenate, yet the darling of the knights; who conſidered him as the pride and ornament of their order; whilſt he, to ingratiate himſelf the more with them, affected always in public to boaſt of that extraction, and to call himſelf an equeſtrian; and made it his ſpecial care to protect them in all their affairs, and to advance their credit and intereſt; inſomuch that it was the authority of his conſulſhip, that firſt diſtinguiſhed and eſtabliſhed them into a third order of the ſtate. This we learn clearly from the elder Pliny, in the beginning of the thirty-third book of his natural hiſtory. His words are: *Cicero demum ſtabilivit equeſtre nomen in conſulatu ſuo; ei ſenatum concilians, ex eo ſe ordine profectum celebrans, et ejus vires peculiari popularitate quærens. Ab illo tempore plane hoc tertium corpus in republica factum eſt, cæpitque adjici ſenatui populoque Romano equeſter ordo.* The policy

vie with you in their zeal for the republick; whom, after a diſſention of many years, this day's cauſe has entirely reconciled and united with you. And if this union, which my conſulſhip has confirmed, be preſerved and perpetuated, I am confident, that no civil or domeſtic evil can ever again diſturb this ſtate. The like zeal for the common cauſe appears among the tribunes of the exchequer, and the whole body of the ſcribes; who happening to aſſemble this day at the treaſury, have dropt all conſideration of their private affairs, and turned their whole attention upon the publick ſafety. The whole body of free-born citizens, even the meaneſt, offer us their aſſiſtance. For where is the man, to whom theſe temples, the face of the city, the poſſeſſion of liberty; in ſhort, this very light, and this parent ſoil, are not both dear and delightful.

SECT. VIII. And here, conſcript fathers, let me recommend to your notice the zeal of thoſe freedmen, who having by their merit obtained the privilege of citizens, conſider this as their real country: whereas ſome born within the city, and born too of an illuſtrious race, treat it not as a mother ſoil, but as a hoſtile city. But why do I ſpeak of men, whom private intereſt, whom the good of the publick, whom, in fine, the love of liberty, that deareſt of all human bleſſings, have rouzed to the defence of their country? There is not a ſlave in any tolerable condition of life, who does not look with horror on this daring attempt of profligate citizens, who is not anxious for the preſervation of the ſtate; in fine, who does not contribute all in his power to promote the common ſafety. If any of you, therefore, are ſhocked by the report of Lentulus's agents running up and down the ſtreets, and ſoliciting the needy and thoughtleſs to make ſome effort for his reſcue; the fact indeed is true, and the thing has been attempted: but not a man was found ſo deſperate in his fortune, ſo abandoned in his inclinations,

NOTES.

policy was certainly very good, and the republick reaped great benefit from it in this very year, through which he had the whole body of knights at his devotion; who, with Atticus at their head, conſtantly attended his orders, and ſerved as a guard to his perſon. And if the ſame maxim had been purſued by all ſucceeding conſuls, it might probably have preſerved, or would certainly at leaſt have prolonged, the liberty of the republick.

(13.) *Tribunos ærarios ſcribas.*] The *Tribuni ærarii* were officers under the quæſtor, employed in receiving and diſtributing the publick money. The *ſcribes* were a very honourable order of men, whoſe buſineſs it was to record all publick acts. The old ſcholiaſt tells us, that they were aſſembled on this occaſion, to divide among themſelves the offices for the enſuing year, *viz.* who ſhould be ſecretary to the conſuls, who to the prætors, *&c.* This was annually done, and, like the other offices at Rome, uſually determined by lot. While they were buſied about theſe concerns, they ſaw the priſoners brought to the ſenate-houſe; upon which, dropping all thought of their private affairs, they came and made an offer of their aſſiſtance.

atque imperitorum: eſt id quidem cœptum atque tentatum: ſed nulli ſunt inventi tam aut fortuna miſeri, aut voluntate perditi, qui non ipſum illum ſellæ atque operis, & quæſtus quotidiani locum, qui non cubile ac lectulum ſuum, qui denique non curſum hunc otioſum vitæ ſuæ ſalvum eſſe velint. Multo verò maxima pars eorum qui in tabernis ſunt, immo vero (id enim potius eſt dicendum) genus hoc univerſum amantiſſimum eſt otii. Etenim omne eorum inſtrumentum, omnis opera, ac quæſtus, frequentia civium ſuſtinetur, alitur otio: quorum ſi quæſtus, occluſis tabernis, minui ſolet, quid tandem incenſis futurum eſt? Quæ cum ita ſint, P. C. vobis populi Rom. præſidia non deſunt: vos ne populo Rom. deeſſe videamini, providete.

IX. Habetis conſulem ex plurimis periculis & inſidiis, atque ex media morte, non ad vitam ſuam, ſed ad ſalutem veſtram reſervatum: omnes ordines ad conſervandam rempub. mente, voluntate, ſtudio, virtute, voce conſentiunt: obſeſſa facibus & telis impiæ conjurationis, vobis ſupplex manus tendit patria communis: vobis ſe, vobis vitam omnium civium, vobis arcem & Capitolium, vobis aras Penatium, vobis illum ignem Veſtæ perpetuum ac ſempiternum, vobis omnia deorum templa atque delubra, vobis muros atque urbis tecta commendat. Præterea de veſtra vita, de conjugum veſtrarum ac liberorum anima, de fortunis omnium, de ſedibus, de focis veſtris hodierno die vobis judicandum eſt. Habetis ducem memorem veſtri, oblitum ſui; quæ non ſemper facultas datur: habetis omnes ordines, omnes homines, univerſum populum Romanum (id quod in civili cauſa hodierno die primum videmus) unum atque idem ſentientem. Cogitate quantis laboribus fundatum imperium, quanta virtute ſtabilitam libertatem, quanta deorum benignitate auctas exaggerataſque fortunas una nox pene delerit. Id ne unquam poſthac non modo confici, ſed ne cogitari quidem poſſit, vobis hodierno die providendum eſt. Atque hæc, non ut vos, qui mihi ſtudio pene præcurritis, excitarem, locutus ſum, ſed ut mea vox, (14.) quæ debet eſſe in repub. princeps, officio functa conſulari videretur.

X. Nunc antequam P. C. ad ſententiam redeo, de me pauca dicam. Ego, quanta manus eſt conjuratorum, quam videtis eſſe permagnam, tantam me inimicorum multitudinem ſuſcepiſſe video: ſed

NOTES.

(14.) *Quæ debet eſſe in republica princeps.*] It was the conſul's buſineſs more immediately to provide for the ſafety of the ſtate, and to apply himſelf to this, and this alone, during the year. Beſides, Cicero had ſummoned this meeting of the ſenate, and it might be expected that he ſhould give his opinion concerning the priſoners; but this he cautiouſly avoids doing in expreſs words, tho' it may eaſily be perceived which way he inclines.

clinations, who did not prefer the ſhed in which he worked and earned his daily bread, his little hut and bed in which he ſlept, and the eaſy peaceful courſe of life he enjoyed, to all the propoſals made by theſe enemies of the ſtate. For the greateſt part of thoſe who live in ſhops, or to ſpeak indeed more truly all of them, are of nothing ſo fond as peace: for their whole ſtock, their whole induſtry and ſubſiſtence depends upon the peace and fulneſs of the city; and if their gain would be interrupted by ſhutting up their ſhops, how much more would it be ſo, by burning them? Since then, conſcript fathers, the Roman people are not wanting in their zeal and duty towards you, it is your part not to be wanting to the Roman people.

SECT. IX. You have a conſul ſnatched from various ſnares and dangers, and the jaws of death, not for the propagation of his own life, but of your ſecurity. All orders unite in opinion, inclination, zeal, courage, and a profeſſed concern to ſecure the commonwealth. Your common country, beſet with the brands and weapons of an impious conſpiracy, ſtretches out her ſuppliant hands to you for relief, recommends herſelf to your care, and beſeeches you to take under your protection the lives of the citizens, the citadel, the capitol, the altars of domeſtick worſhip, the everlaſting fire of Veſta, the ſhrines and temples of the gods, the walls of the city, and the houſes of the citizens. Conſider likewiſe, that you are this day to paſs judgment on your own lives, on thoſe of your wives and children, on the fortunes of all the citizens, on your houſes and properties. You have a leader, ſuch as you will not always have, watchful for you, regardleſs of himſelf. You have likewiſe, what was never known before in a caſe of this kind, all orders, all ranks of men, the whole body of the Roman people, of one and the ſame mind. Reflect how this mighty empire reared with ſo much toil, this liberty eſtabliſhed with ſo much bravery, and this profuſion of wealth improved and heightened by ſuch favour and kindneſs of the gods, were like in one night to have been for ever deſtroyed. You are this day to provide, that the ſame thing not only ſhall never be attempted, but not ſo much as thought of again by any citizen. All this I have ſaid, not with a view to animate your zeal, in which you almoſt ſurpaſs me; but that my voice, which ought to lead in what relates to the commonwealth, may not fall ſhort of my duty as conſul.

SECT. X. But before I declare my ſentiments farther, conſcript fathers, ſuffer me to drop a word with regard to myſelf. I am ſenſible I have drawn upon myſelf as many enemies, as there are perſons concerned in the conſpiracy, whoſe number you ſee to be very great:

ſed eam eſſe judico turpem & infirmam, contemptam & abjectam. Quòd ſi aliquando alicujus furore & ſcelere concitata manus iſta plus valuerit quam veſtra ac reipublicæ dignitas, me tamen meorum factorum atque conſiliorum nunquam, P. C. pœnitebit. Etenim mors, quam illi mihi fortaſſe minitantur, omnibus eſt parata: vitæ tantam laudem, quanta vos me veſtris decretis honeſtaſtis, nemo eſt aſſecutus. Cæteris enim ſemper bene geſtæ, mihi uni conſervatæ reipublicæ gratulationem decreviſtis. Sit Scipio clarus, ille, cujus conſilio atque virtute Hannibal in Africam redire, atque ex Italia decedere coactus eſt: ornetur alter eximia laude Africanus, qui duas urbes huic imperio infeſtiſſimas, Carthaginem Numantiamque delevit: habeatur vir egregius, L. Paullus ille, cujus currum rex potentiſſimus quondam & nobiliſſimus Perſes honeſtavit: ſit in æterna gloria Marius, qui bis Italiam obſidione & metu ſervitutis liberavit: anteponatur omnibus Pompeius, cujus res geſtæ, atque virtutes iiſdem, quibus Solis curſus, regionibus ac terminis continentur; erit profecto inter horum laudes aliquid loci noſtræ gloriæ: niſi fortè majus eſt, patefacere nobis provincias, quo exire poſſumus, quam curare, ut etiam illi qui abſunt, habeant (15.) quò victores revertantur; quanquam eſt uno loco conditio melior externæ victoriæ, quam domeſticæ: quòd hoſtes alienigenæ aut oppreſſi ſerviunt, aut recepti beneficio ſe obligatos putant: qui autem ex numero civium dementia aliqua depravati, hoſtes patriæ ſemel eſſe cœperunt, eos, cùm à pernicie reipublicæ repuleris, neque vi coercere, neque beneficio placare poſſis. Quare mihi cum perditis civibus æternum bellum ſuſceptum eſſe video: quod ego veſtro bonorumque omnium auxilio, memoriaque tantorum periculorum, quæ non modo in hoc populo, qui ſervatus eſt, ſed etiam in omnium gentium ſermonibus ac mentibus ſemper hærebit, à me, atque à meis facile propulſari poſſe confido. Neque ulla profecto tanta vis reperietur, quæ conjunctionem veſtram equitumque Romanorum, & tantam conſpirationem bonorum omnium perfringere & labefactare poſſit.

XI. Quæ cum ita ſint, patres conſcripti, pro imperio, pro exercitu, pro provincia quam neglexi, pro triumpho cæteriſque laudis inſignibus, quæ ſunt à me propter urbis veſtræque ſalutis cuſtodiam repudiata,

NOTES.

(15.) *Quo victores revertantur.*] The reflection is juſt and natural, and admirably calculated to confirm what he had been advancing, that there was more glory in preſerving the ſtate from ruin than in enlarging its bounds by the acquiſition of foreign provinces. We are told in the third book of the offices, that Pompey ſpeaking of Cicero's conſulſhip in the ſenate, expreſſed himſelf to this purpoſe: "That it would have little "availed him to obtain the honour of a "third triumph, had not Cicero, by his "prudent conduct at home, preſerved him "the city wherein to triumph." For while Cicero was employed in quelling the conſpiracy at Rome, Pompey was in Aſia, ſtruggling with the remains of the Mithridatic war.

great: but I look upon them as a baſe, abject, impotent, contemptible faction. But if, thro' the madneſs of any, it ſhall riſe again, ſo as to prevail againſt the ſenate and the republick; yet never, conſcript fathers, ſhall I repent of my preſent conduct and counſels. For death, with which perhaps they will threaten me, is prepared for all men; but none ever acquired that glory of life, which you have conferred upon me by your decrees. For to others you have decreed thanks for ſerving the republick ſucceſsfully; to me alone, for having ſaved it. Let Scipio be celebrated, by whoſe conduct and valour Hannibal was forced to abandon Italy, and return into Africa: let the other Africanus be crowned with the higheſt praiſe, who deſtroyed Carthage and Numantia, two cities at irreconcileable enmity with Rome: for ever renowned be L. Paulus, whoſe chariot was graced by the captivity of Perſes, a once powerful and illuſtrious monarch: immortal honour be the lot of Marius, who twice delivered Italy from invaſion, and the dread of ſervitude: above all others let Pompey's name be renowned, whoſe great actions and virtues know no other limits, than thoſe that regulate the courſe of the ſun. Yet ſurely, among ſo many heroes, ſome place will be left for my praiſe; unleſs it be thought a greater merit to open a way into new provinces, whence we may retire at pleaſure, than to take care that our conquerors may have a home to return to. In one circumſtance, indeed, the condition of a foreign victory is better than that of a domeſtick one; becauſe a foreign enemy, when conquered, is either quite cruſhed and reduced to ſlavery, or, obtaining favourable terms, becomes a friend: but when profligate citizens once turn rebels, and are baffled in their plots, you can neither keep them quiet by force, nor oblige them by favours. I therefore ſee myſelf engaged in an eternal war with all traiterous citizens; but am confident I ſhall eaſily repel it from me and mine, through your's and every worthy man's aſſiſtance, joined to the remembrance of the mighty dangers we have eſcaped; a remembrance that will not only ſubſiſt among the people delivered from them, but which muſt for ever cleave to the minds and tongues of all nations. Nor, I truſt, will any force be found ſtrong enough, to overpower or weaken the preſent union between you and the Roman knights, and this general confederacy of all good citizens.

SECT. XI. Therefore, conſcript fathers, inſtead of the command of armies and provinces, which I have declined; inſtead of a triumph, and other diſtinctions of honour, which for your preſervation, and that of this city, I have rejected; inſtead of attachments and dependencies in the provinces, which, by means of my authority,

repudiata, pro clientelis hoſpitiiſque provincialibus, quæ tamen urbanis opibus non minore labore tueor, quàm comparo: pro his igitur omnibus rebus, & pro meis in vos ſingularibus ſtudiis, proque hac, quam conſpicitis, ad conſervandam rempublicam diligentia, nihil aliud à vobis, niſi hujus temporis, totiuſque mei conſulatus memoriam poſtulo: quæ dum erit veſtris mentibus infixa, firmiſſimo me muro ſeptum eſſe arbitrabor. Quod ſi meam ſpem vis improborum fefellerit atque ſuperaverit, commendo vobis parvum meum filium; cui profecto ſatis erit præſidii non ſolum ad ſalutem, verum etiam ad dignitatem, ſi ejus, qui hæc omnia ſuo ſolius periculo conſervaverit, illum eſſe filium memineritis. Quapropter de ſumma ſalute veſtra, populique Romani, P. C. de veſtris conjugibus ac liberis; de aris ac focis; de fanis ac templis; de totius urbis tectis ac ſedibus; de imperio, de libertate, de ſalute Italiæ, deque univerſa rep. decernite diligenter, ut inſtituiſtis, ac fortiter. (16.) Habetis enim conſulem, qui & parere veſtris decretis non dubitet, & ea quæ ſtatueritis, quoad vivet, defendere, & per ſe ipſum præſtare poſſit.

ORA-

NOTES.

(16.) *Habetis enim conſulem*, &c.] It may not now be improper, to acquaint the reader with the iſſue of this whole affair. Cicero's ſpeech had the deſired effect; and our orator, by diſcovering his own inclination, gave a turn to the inclination of the ſenate; when Cato, one of the new tribunes, roſe up, and after extolling Cicero to the ſkies, and recommending to the aſſembly the authority of his example and judgment, proceeded to declare, agreeably to his temper and principles, that he was ſurprized to ſee any debate about the puniſhment of men, who had begun an actual war againſt their country: that their deliberation ſhould be, how to ſecure themſelves againſt them, rather than how to puniſh them: that other crimes might be puniſhed after commiſſion, but unleſs this was prevented before its effect, it would be vain to ſeek a remedy after: that the debate was not about the publick revenues, or the oppreſſions of the allies, but about their own lives and liberties; not about the diſcipline or manners of the city, on which he had oft delivered his mind in that place; nor about the greatneſs or proſperity of their empire; but whether they or their enemies ſhould poſſeſs that empire; and in ſuch a caſe there could be no room for mercy. If they muſt needs be merciful, let it be to the plunderers of the treaſury; but let them not be prodigal of the blood of citizens, and by ſparing a few bad, deſtroy all the good. That the flagitious lives of the criminals confuted every argument of mercy: that Catiline was hovering over them with an army, while his accomplices were within the walls, and in the very heart of the city; ſo that, whatever they determined, it could not be kept ſecret, which made it the more neceſſary to determine quickly. Wherefore his opinion was, that ſince the criminals had been convicted, both by teſtimony and their own confeſſion, of a deteſtable treaſon againſt the republick, they ſhould ſuffer the puniſhment of death, according to the cuſtom of their anceſtors. Cato's authority, added to the impreſſion which Cicero had already made, put an end to the debate; and the ſenate, applauding his vigour and reſolution, reſolved upon a decree in conſequence of it. And though Silanus had firſt propoſed that opinion, and was followed in it by all the conſular ſenators, yet they ordered the decree to be drawn up in Cato's words, becauſe he had delivered himſelf more fully and explicitly upon it than any of them. The vote was no ſooner paſſed, than Cicero reſolved to put it in execution, leſt the night, which was coming on, ſhould produce any new diſturbance: he went directly therefore from the ſenate, attended by a numerous guard of friends and citizens, and took Lentulus from the cuſtody of his kinſman Lentulus Spinther, and conveyed him through the forum to the

commo-

authority, and credit in the city, I labour no leſs to ſupport than acquire: for all theſe ſervices, I ſay, joined to my ſingular zeal for your intereſt, and that unwearied diligence you ſee me exert to preſerve the ſtate; I require nothing more of you, than the perpetual remembrance of this juncture, and of my whole conſulſhip. While that continues fixed in your minds, I ſhall think myſelf ſurrounded with an impregnable wall. But ſhould the violence of the factious ever diſappoint and get the better of my hopes, I recommend to you my infant ſon, and truſt that it will be a ſufficient guard, not only of his ſafety, but of his dignity, to have it remembered, that he is the ſon of one, who, at the hazard of his own life, preſerved you all. Therefore, conſcript fathers, let me exhort you to proceed with vigour and reſolution in an affair that regards your very being, and that of the people of Rome; your wives, and children; your religion, and properties; your altars, and temples; the houſes and dwellings of this city; your empire; your liberty; the ſafety of Italy; and the whole ſyſtem of the commonwealth. For you have a conſul, who will not only obey your decrees without heſitation, but, while he lives, will ſupport and execute in perſon whatever you ſhall order.

NOTES.

common priſon, where he delivered him to the executioners, who preſently ſtrangled him. The other conſpirators, Cethegus, Statilius, and Gabinius, were conducted to their execution by the prætors, and put to death in the ſame manner, together with Ceparius, the only one of their accomplices who was taken after the examination. When the affair was over, Cicero was conducted home in a kind of triumph, by the whole body of the ſenate and the knights; the ſtreets being all illuminated, and the women and children at the windows, and on the tops of houſes, to ſee him paſs along thro' infinite acclamations of the multitude, proclaiming him their ſaviour and deliverer. As for Catiline himſelf, ſeeing his party in the city deſtroyed, he was neceſſitated ſoon after to come to a battle, in which he was defeated and ſlain, and his whole army cut to pieces.

ORA-

ORATIO VIII.

Pro L. MURÆNA *.

I. QUÆ præcatus ſum à diis immortalibus, Judices, more inſtitutoque majorum, illo die quo auſpicatò (1) comitiis centuriatis L. Murænam conſulem renunciavi, ut ea res mihi magiſtratuique

NOTES.

* In the Comitia held by Cicero for the election of conſuls, D. Junius Silanus, and L. Licinius Murena, were choſen to that magiſtracy. Soon after the election was over, a proſecution was ſet on foot againſt Murena, who was charged with having infringed the law againſt bribery and corruption, lately paſſed by Cicero. Cato had declared in the ſenate, that he would try the force of this law upon one of the conſular candidates. And ſince Catiline, whom he chiefly aimed at, was now out of his reach, (having ſome time before left the city, and repaired to Manlius's camp;) he reſolved to fall upon Murena: yet connived at the ſame in the other conſul, Silanus, who had married his ſiſter, though equally guilty with his collegue. He was joined in the accuſation by one of the diſappointed candidates, S. Sulpicius, a perſon of diſtinguiſhed worth and character, and the moſt celebrated lawyer of the age; for whoſe ſervice, and at whoſe inſtance, Cicero's law againſt bribery was chiefly provided. Murena was bred a ſoldier, and had acquired great fame in the Mithridatic war, as lieutenant to Lucullus; and was now defended by three, the greateſt men, as well as the greateſt orators in Rome, Craſſus, Hortenſius, and Cicero: ſo that there ſeldom had been a trial of more expectation, on account of the dignity of all the parties concerned. The character of the accuſers makes it reaſonable to believe, that there was clear proof of ſome illegal practices; yet from this ſpeech of Cicero, who delivered himſelf after Hortenſius and Craſſus, and which, though imperfect, is the only remaining monument of the tranſaction, it ſeems probable, that they were ſuch only, as tho' ſtrictly ſpeaking irregular, were yet warranted by cuſtom, and the example of all candidates; and though heinous in the eyes of a Cato, or an angry competitor, were uſually overlooked by the magiſtrates, and expected by the people. The reader is to obſerve, that Murena, at the time of ſpeaking this oration, was conſul elect, and that it happened juſt at the criſis of Catiline's conſpiracy, and before he was defeated. This Cicero inſiſts mightily upon in his defence, urging the neceſſity of having two conſuls for the guard of the city at the opening of the new year, and the great imprudence there would be in ſetting aſide one, who by a military education was the beſt qualified to defend it in ſo dangerous a criſis. This conſideration had ſuch weight with the judges, that without any deliberation they unanimouſly acquitted Murena, and would not, as our orator elſewhere tells us, ſo much as hear the accuſation of men, the moſt eminent and illuſtrious. It may not be amiſs to obſerve here, that Cicero all this while had a ſtrict intimacy with Sulpicius, whom he had ſerved with all his intereſt in this very conteſt for the conſulſhip. He had a great friendſhip alſo with Cato, and the higheſt eſteem of his integrity; yet he not only defended this cauſe againſt them both, but to take off the prejudice of their authority, laboured

ORATION VIII.

For L. MURÆNA.

SECT. I. MY Lords, the prayer, which according to cuſtom, and the uſage of our forefathers, I addreſſed to the immortal gods, on that day, when with the accuſtomed ceremonies I declared L. Muræna conſul in the comitia by Centuries; that the choice

NOTES.

boured even to make them ridiculous; rallying the profeſſion of Sulpicius as trifling and contemptible, the principles of Cato as abſurd and impracticable, with ſo much humour and wit, that he made the whole audience very merry, and forced Cato to cry out, what a facetious conſul have we! But what is more obſervable, the oppoſition of theſe great men in an affair ſo intereſting, gave no ſort of interruption to their friendſhip, which continued as firm as ever to the end of their lives: and Cicero, who lived the longeſt of them, ſhewed the real value that he had for them both after their deaths, by procuring publick honours for the one, and writing the life and praiſes of the other. Murena too, though expoſed to ſo much danger by the proſecution, yet ſeems to have retained no reſentment of it; but during his conſulſhip paid a great deference to the counſels of Cato, and employed all his power to ſupport him againſt the violence of Metellus, his collegue in the tribunate. This was a greatneſs of mind truly noble, and ſuitable to the dignity of the perſons; not to be ſhocked by the particular contradiction of their friends, when their general views on both ſides were laudable and virtuous: yet this muſt not be wholly charged to the virtue of the men, but to the diſcipline of the republick itſelf; which by a wiſe policy impoſed it as a duty on its ſubjects to defend their fellow-citizens in their dangers, without regard to any friendſhips or engagements whatſoever. The examples of this kind will be more or leſs frequent in ſtates, in proportion as the publick good happens to be the ruling principle; for that is a bond of union too firm to be broken by any little differences about the meaſures of purſuing it: but where private ambition and party zeal have the aſcendant, there every oppoſition muſt neceſſarily create animoſity, as it obſtructs the acquiſition of that good, which is conſidered as the chief end of life, private benefit, and advantage. This oration was ſpoken in the latter end of the ſix hundred and ninetieth year of Rome, and in the forty-fourth year of our author's age, when he and Antonius were conſuls.

(1.) *Comitiis centuriatis.*] The *Comitia* were aſſemblies of the people, legally convened by magiſtrates, of which hiſtorians mention three ſeveral kinds; the *Curiata*, *Centuriata*, and *Tributa*. The *Comitia curiata* were inſtituted by Romulus; the *Centuriata*, by Servius Tullius; and the *Tributa*, by the tribunes of the people. They took their

giſtratuique meo, (2.) populo, plebique Romanæ bene atque feliciter eveniret: eadem precor ab iiſdem diis immortalibus ob ejuſdem hominis conſulatum unà cum ſalute obtinendum, & ut veſtræ mentes atque ſententiæ cum populi Rom. voluntate ſuffragiiſque conſentiant, eaque res vobis populoque Rom. pacem, tranquillitatem, otium, concordiamque afferat. Quod ſi illa ſolemnis comitiorum precatio conſularibus auſpiciis conſecrata, tantam habet in ſe vim & religionem, quantam reipublicæ dignitas poſtulat: idem ego ſum precatus, ut eis quoque hominibus, quibus hic conſulatus, me rogante, datus eſſet, ea res fauſte, feliciter, proſpereque eveniret. Quæ cum ita ſint, Judices, & cum omnis deorum immortalium poteſtas, aut tranſlata ſit ad vos, aut certe communicata vobiſcum: idem conſul eum veſtræ fidei commendat, qui antea diis immortalibus commendavit: ut ejuſdem hominis voce & declaratus conſul, & defenſus, beneficium populi Rom. cum veſtra atque omnium civium ſalute tueatur. Et quoniam in hoc officio ſtudium meæ defenſionis ab accuſatoribus, atque etiam ipſa ſuſceptio cauſæ reprehenſa eſt; antequam pro L. Muræna dicere inſtituo, pro me ipſo pauca dicam: non quo mihi potior hoc quidem in tempore ſit officii mei, quam hujuſce ſalutis defenſio: ſed, ut meo facto vobis probato, majore auctoritate ab hujus honore, fama, fortuniſque omnibus, inimicorum impetus propulſare poſſim.

II. Et primum M. Catoni, vitam ad certam rationis normam dirigenti, & diligentiſſime perpendenti momenta officiorum omnium, de officio meo reſpondebo. Negat fuiſſe rectum Cato, me & conſulem, & legis ambitus latorem, & tam ſevere geſto conſulatu, cauſam L. Murænæ attingere; cujus reprehenſio me vehementer movet,

NOTES.

their names from the manner in which the people voted at theſe aſſemblies. Thus, in the *Comitia curiata*, they voted by *Curiæ*; in the *Centuriata*, by centuries; and in the *Tributa*, by tribes. The *Comitia* by centuries, of which Cicero here ſpeaks, owe their original to the inſtitution of the Cenſus. For Servius Tullius obliging every one to give a true account of what they were worth, according to thoſe accounts divided the people into ſix ranks, or claſſes, which he ſubdivided into one hundred and ninety-three centuries. The firſt claſs, containing the knights and richeſt citizens, conſiſted of ninety-eight centuries. The ſecond, taking in the tradeſmen and mechanicks, made up two and twenty centuries. The third, the ſame number. The fourth, twenty. The fifth, thirty. And the laſt, filled up with the poorer ſort, had but one century. Theſe aſſemblies by centuries were held for the electing of conſuls, cenſors, and prætors; as alſo for the judging of perſons accuſed of what they called *crimen perduellionis*, or actions by which the party had ſhewed himſelf an enemy to the ſtate; and for the confirmation of ſuch laws as were propoſed by the chief magiſtrates, who had the privilege of calling theſe aſſemblies. It is worth while here to obſerve, that by the inſtitution of theſe *Comitia*, Servius Tullius ſecretly conveyed the whole power from the commons: for the centuries of the firſt and richeſt claſſes being called out firſt, who were three more in number than all the reſt put together, if they all agreed, as generally they did, the buſineſs was already decided, and the other claſſes were needleſs and inſignificant. However the three laſt ſcarce ever came to vote. One thing I cannot forbear taking notice of, as it ſerves to give us a high idea of the

choice might prove happy and prosperous for me and my magistracy, for the people and commons of Rome: that very prayer do I now repeat to the same gods, that Murena may enter with safety upon the possession of his consulship, that your sentiments and decisions may correspond with the wishes and votes of the Roman people; and that this may be an event productive of peace, tranquillity, ease, and concord, to you, and to the commonwealth of Rome. And if that solemn address in the comitia, consecrated by consular auspices, has in it a force and efficacy equal to the dignity of the state; I must likewise be understood to have prayed, that the same might be a happy, joyful, and prosperous event to those persons, who, in an assembly where I presided, were chosen into the consulship. This being the case, my Lords, and that all the power of the immortal gods is either transferred to, or at least communicated with you; the same consul, who before recommended Murena to the immortal gods, now recommends him to your protection; that the very voice by which his election was proclaimed, being likewise employed to defend him, he may preserve the dignity to which he has been raised by the people, with your safety, and that of all the citizens. And because in the trial now under consideration, not only my zeal for the accused, but my very undertaking his defence is censured by the prosecutors; suffer me, before I say any thing for Murena, to speak a little in behalf of myself: not that I prefer, on the present occasion at least, my own vindication to his defence; but that having once convinced you of the uprightness of my intentions, I may with the greater authority repulse the attacks of his adversaries, upon his honour, fame, and fortunes.

SECT. II. And first I will vindicate my present behaviour to Cato, who governs his life by the unerring standard of reason, and diligently weighs the motives to every duty. He maintains that it was wrong in me, a consul, the author of the law against bribery and corruption, and who have behaved in my consulship with so inflexible a severity, to charge myself with the defence of Murena. This censure, my Lords, is a very powerful motive with me, not only to explain

NOTES.

the lenity of the Roman laws and government, namely, that though in the election of magistrates, and the ratification of laws, the votes of that century, whose suffrages were equally divided, signified nothing; yet in trials of life and death, if the suffrages *pro* and *con* were equal in number, the person was actually acquitted.

(2.) *Populo, plebique Romanæ.*] As this expression frequently occurs in Cicero's orations, it may not be amiss once for all to observe, that *populus* differs from *plebs*, as the *genus* from the *species*. By *populus*, we are to understand the whole body of the Roman citizens, including the senators and patricians. *Plebs* respects only the multitude, and those of plebeian extraction: in other words, it denotes the commons of Rome.

movet, non ſolum ut vobis, Judices, quibus maxime debeo, verum etiam ut ipſi Catoni, graviſſimo atque integerrimo viro, rationem facti mei probem. A quo tandem, M. Cato, eſt æquius conſulem defendi, quam à conſule? Quis mihi in repub. poteſt aut debet eſſe conjunctior, quam is cui reſpub. à me uno traditur ſuſtinenda, magnis meis laboribus & periculis ſuſtentata? Quod ſi in iis rebus repetendis, quæ mancipi ſunt, is periculum judicii præſtare debet, (3.) qui ſe nexu obligavit: profecto etiam rectius in judicio conſulis deſignati, is potiſſimum conſul, qui conſulem declaravit, auctor beneficii populi Rom. defenſorque periculi eſſe debebit. Ac ſi, ut nonnullis in civitatibus fieri ſolet, patronus huic cauſæ publice conſtitueretur, is potiſſime honore affecto defenſor daretur, qui eodem honore præditus non minus afferret ad dicendum auctoritatis quam facultatis. Quod ſi è portu ſolventibus ii qui jam in portum ex alto invehuntur, præcipere ſummo ſtudio ſolent & tempeſtatum rationem, & prædonum, & locorum; quod natura affert ut eis faveamus, qui eadem pericula, quibus nos perfuncti ſumus, ingrediantur: quo tandem me animo eſſe oportet prope jam ex magna jactatione terram videntem, in hunc, cui video maximas reip. tempeſtates eſſe ſubeundas? Quare, ſi eſt boni conſulis non ſolum videre quid agatur, verum etiam providere quid futurum ſit, oſtendam alio loco, quantum ſalutis communis interſit, duos Conſules in republica Kalendis Januariis eſſe. Quod ſi ita eſt; non tam me officium debuit ad hominis amici fortunas, quàm reſpublica conſulem ad communem ſalutem defendendam vocare.

III. (4.) Nam quod legem de ambitu tuli, certe ita tuli, ut eam, quam mihimetipſi jampridem tulerim de civium periculis defendendis, non abrogarem. Etenim ſi largitionem factam eſſe confiterer, idque recte factum eſſe defenderem; facerem improbe, etiam ſi alius legem tuliſſet; cum vero nihil commiſſum contra legem eſſe defendam, quid eſt quod meam defenſionem latio legis impediat? Negat eſſe ejuſdem ſeveritatis, Catilinam, exitium reipub. intra mœnia molientem, verbis, & pene imperio urbe expuliſſe; & nunc pro L. Muræna

NOTES.

(3.) *Qui ſe nexu obligavit.*] To underſtand this paſſage aright, the reader muſt be informed, that the perſon who was to diſpoſe of a property to another, was obliged to give bond, that in caſe this property ſhould be evicted in law from the buyer, by one who had a prior title, then the buyer could have recourſe for his indemnification upon the ſeller. This is properly called, *dare rem mancipi*. The *nexus* is no other than the bond, by which the goods of the ſeller were liable for the performance.

(4.) *Nam quod legem de ambitu tuli*, &c.] Cicero had paſſed a law againſt bribery and corruption, by which a candidate, convicted of that offence, was doomed to baniſhment for ten years. The Calphurnian law, which was prior to that of Cicero, only deprived them of their ſeat in the ſenate, and the privilege of ſuing for publick honours. Now Cato thought it incongruous in Cicero, who had enacted ſo ſevere a law againſt bribery, to appear in behalf of one charged with an infraction of that very law. But to this our orator

the reaſons of my conduct to you, to whom chiefly I owe that mark of reſpect, but likewiſe to Cato himſelf, a man diſtinguiſhed for his integrity and wiſdom. Say then, M. Cato, to whom does the defence of a conſul fall more properly than to a conſul? What man in the ſtate can or ought to be dearer to me, than him, into whoſe hands I reſign the care of the commonwealth, preſerved by my toils and dangers. For if in any claim upon an eſtate ſold to another, he is obliged to defend the validity of the title, who in the conditions of ſale warranted it to the buyer; ſurely much more in the trial of a conſul elect, that conſul whoſe lot it was to declare him ſo, is bound to ſupport him in his claim, and defend him againſt all attacks. For if, according to the common practice of ſome ſtates, the publick ſhould appoint a patron to plead in this cauſe, the choice would doubtleſs fall upon a man, who being of equal dignity with the perſon accuſed, could bring no leſs authority than ability to back his defence. And if mariners juſt returned from a voyage, are very earneſt to caution thoſe whom they ſee ſetting out, in relation to ſtorms, pyrates, and ſhores; becauſe nature inclines us to be concerned for thoſe, who are going to encounter the ſame dangers we have juſt eſcaped: in what manner ought I, who having weathered a violent tempeſt, begin to have a proſpect of land, ſtand affected towards the man, whom I ſee ready to face the mighty ſtorms of the commonwealth. If then it be the duty of a good conſul, not only to have an eye to preſent tranſactions, but to look forward alſo into futurity; I ſhall take occaſion to ſhew in the progreſs of my diſcourſe, of what importance it is to the common ſafety, that there be two conſuls in the republick on the firſt of January. And if ſo, it will readily be allowed, that the voice of my country for the publick preſervation, calls louder on the preſent occaſion, than my obligation to defend the fortunes of my friend.

SECT. III. For as to the law which I paſſed againſt bribery and corruption, it was never ſurely meant to abrogate what I had enacted ſome time before, in relation to myſelf, to repel the dangers that threatned my fellow-citizens. Indeed, ſhould I admit the charge of bribery, and yet pretend to vindicate it, I ſhould act infamouſly, even had another been the author of the law. But as I maintain that nothing has been done contrary to the tenor of that law, why ſhould my paſſing the law bar my defence. Cato ſays, that it is a deviation from my former ſeverity, after having by the force of reproaches, nay, in a manner by my abſolute command, driven Catiline

NOTES.

orator replies, that it was a primary law and rule of his conduct, to undertake the defence of diſtreſſed Citizens; and that as Murena was falſely charged with corruption, he could not avoid appearing in his behalf, notwithſtanding the late law he had paſſed.

Muræna dicere. Ego autem has partes lenitatis & miſericordiæ, quas me natura ipſa docuit, ſemper egi libenter: illam vero gravitatis ſeveritatiſque perſonam non appetivi, ſed ab repub. mihi impoſitam ſuſtinui, ſicut hujus imperii dignitas in ſummo periculo civium poſtulabat. Quod ſi tum, cum reſpub. vim & ſeveritatem deſiderabat, vici naturam, & tam vehemens fui, quàm cogebar, non quàm volebam: nunc, cùm omnes me cauſæ ad miſericordiam, atque ad humanitatem vocent, quanto tandem ſtudio debeo naturæ meæ conſuetudinique ſervire? Ac de officio defenſionis meæ, & de ratione accuſationis tuæ, fortaſſe etiam alia in parte orationis dicendum nobis erit. Sed me, Judices, non minus hominis ſapientiſſimi atque ornatiſſimi Ser. Sulpicii conqueſtio, quàm Catonis accuſatio commovebat: qui graviſſime & acerbiſſime ſe ferre dixit, me familiaritatis neceſſitudiniſque oblitum, cauſam L. Murænæ contra ſe defendere. Huic ego, Judices, ſatisfacere cupio, voſque adhibere arbitros. Nam cùm grave eſt vere accuſari in amicitia, tum etiam, ſi falſo accuſeris, non eſt negligendum. Ego, Ser. Sulpici, me in petitione tua tibi omnia ſtudia, atque officia pro noſtra neceſſitudine, & debuiſſe confiteor, & præſtitiſſe arbitror; nihil tibi conſulatum petenti à me defuit, quod eſſet aut ab amico, aut à gratioſo, aut à conſule poſtulandum; abiit illud tempus: mutata ratio eſt: ſic exiſtimo, ſic mihi perſuadeo, me tibi contra honorem L. Murænæ, quantum tu à me poſtulare auſus ſis, tantum debuiſſe; contrà ſalutem nihil debere. Neque enim ſi tibi tum, cum peteres conſulatum, affui, idcirco nunc, cum Murænam ipſum petas, adjutor eodem pacto eſſe debeo. Atque hoc non modo non laudari, ſed ne concedi quidem poteſt, ut amicis noſtris accuſantibus, non etiam alieniſſimos defendamus.

IV. Mihi autem cum Muræna, Judices, & vetus, & magna amicitia eſt, quæ in capitis dimicatione à Ser. Sulpicio non idcirco obruetur, quòd ab eodem in honoris contentione ſuperata eſt. Quæſi cauſa non eſſet; tamen vel dignitas hominis, vel honoris ejus, quem adeptus eſt, amplitudo ſummam mihi ſuperbiæ crudelitatiſque famam inuſſiſſet, ſi hominis (5.) & ſuis, & pop. Rom. ornamentis ampliſſimi cauſam

NOTES.

(c) *Et ſuis et populi Romani ornamentis ampliſſimi.*] Murena was diſtinguiſhed by many honors, that entitled him to Cicero's friendſhip and patronage. He was of an illuſtrious family, that had long made a figure in the commonwealth. His father had been quæſtor and prætor. He himſelf was renowned for his virtue, and had acquired great military fame in the Mithridatic war. The people too had teſtified their approbation of his worth, by advancing him to the ædileſhip, the prætorſhip, and now to the conſulſhip.

tiline from the city, while he was meditating the deſtruction of his country within her walls, to plead now for L. Murena. But, in fact, I always undertook with pleaſure the parts of gentleneſs and mercy, to which my nature ſtrongly inclines me; nor was the rigid and ſevere character by any means my own choice: yet when the cauſe of my country forced it upon me, I ſuſtained it with a dignity becoming the majeſty of this commonwealth, in the imminent danger to which her citizens were expoſed. But if at that time, when the publick good called for ſeverity and vigour, I found means to conquer nature, and put on an inflexibility, not of inclination, but of neceſſity; now that all circumſtances invite me to humanity and pity, with what ardor ought I to return to my natural diſpoſition and habit. But poſſibly I may have occaſion, in another part of this ſpeech, to enlarge ſtill farther upon my duty as a defender, and your conduct as an accuſer. But, my Lords, if Cato's accuſation gives me pain, neither am I leſs hurt by the complaints of the wiſe and accompliſhed Servius Sulpicius, who tells me he ſees with infinite regret and concern, that I have forgot all former ties of intimacy and friendſhip, in undertaking againſt him the defence of Murena. My Lords, it is my earneſt deſire to give him ſatisfaction in this point, and you ſhall be umpires between us. For as breach of friendſhip, if juſtly objected, is a very heavy charge; ſo even where the accuſation is groundleſs, we ought not to ſeem indifferent to the reproach. I readily grant, Servius Sulpicius, that in your ſuit for the conſulſhip, I owed you in point of friendſhip all the zeal and good offices in my power; and I flatter myſelf, I have not been wanting in the performance. Nothing was omitted by me, that could be expected from a friend, a man of intereſt, or a conſul. But that period is now paſt, and things have put on another face. I allow and declare it as my opinion, that I was bound to go all lengths with you, in oppoſing Murena's preferment; but then I owe you nothing againſt his life. Nor does it follow, that becauſe I was aiding to you againſt Murena in your demand of the conſulſhip, I am therefore now alſo to aſſiſt you in an attack upon Murena himſelf. For it is not only not commendable, but even diſallowable, to refuſe the defence of the mereſt ſtranger, though proſecuted by our deareſt friends.

SECT. IV. But, my Lords, there has ſubſiſted a long and intimate friendſhip between me and Murena, which, though it gave way to my regard for Sulpicius in a ſtruggle about preferment, muſt not therefore be ſtifled in an impeachment that threatens his life. And was this even not the caſe, yet the very dignity of the perſon, and the illuſtrious rank he holds in the commonwealth, muſt have branded my reputation with an indelible ſtain of pride and cruelty,

cauſam tanti periculi repudiaſſem. Neque enim jam mihi licet, neque eſt integrum, ut meum laborem hominum periculis ſublevandis non impertiam. Nam cum præmia mihi tanta pro hac induſtria ſint data, quanta antea nemini: labores, per quos ea ceperis, cum adeptus ſis, deponere, eſſet hominis & aſtuti, & ingrati. Quod ſi licet deſinere, ſi te auctore poſſum, ſi nulla inertiæ, nulla ſuperbiæ turpitudo, nulla inhumanitatis culpa ſuſcipitur, ego vero libenter deſino. Sin autem fuga laboris, deſidiam; repudiatio ſupplicum, ſuperbiam; amicorum neglectio, improbitatem coarguit: nimirum hæc cauſa eſt ejuſmodi, quam nec induſtrius, nec miſericors, nec officioſus deſerere poſſit. Atque hujuſce rei conjecturam de tuo ipſius ſtudio, Servi, facillime ceperis. Nam ſi tibi neceſſe putas etiam adverſariis amicorum tuorum de jure conſulentibus reſpondere; &, ſi turpe exiſtimas, te advocato, illum ipſum, quem contra veneris, cauſa cadere: noli tam eſſe injuſtus, ut, cum tui fontes vel inimicis tuis pateant, noſtros rivulos etiam amicis putes clauſos eſſe oportere. Etenim ſi me tua familiaritas ab hac cauſa removiſſet, & ſi hoc idem Q. Hortenſio, M. Craſſo clariſſimis viris, ſi item cæteris, à quibus intelligo tuam gratiam magni æſtimari, accidiſſet: in ea civitate conſul deſignatus defenſorem non haberet, in qua nemini unquam infimo majores noſtri patronum deeſſe voluerunt. Ego vero, judices, ipſe me exiſtimarem nefarium, ſi amicò; crudelem, ſi miſero; ſuperbum, ſi conſuli defuiſſem. Quare, quod dandum eſt amicitiæ, large dabitur à me; ut tecum agam, Servi, non ſecus, ac ſi meus eſſes frater, qui mihi eſt cariſſimus: iſto in loco quod tribuendum eſt officio, fidei, religioni, id ita moderabor, ut meminerim me contra amici ſtudium, pro amici periculo dicere.

V. Intelligo, Judices, tres totius accuſationis partes fuiſſe, & earum unam in reprehenſione vitæ, alteram in contentione dignitatis, tertiam in criminibus ambitus eſſe verſatam. Atque harum trium partium prima illa, quæ graviſſima eſſe debebat, ita fuit infirma & levis, ut illos lex magis quædam accuſatoria, quam vera maledicendi

if in ſo dangerous an impeachment, I had refuſed to undertake the defence of a man, equally diſtinguiſhed by his own virtues, and the honours conferred on him by the Roman people. For I am not now at liberty to refuſe my aſſiſtance in relieving the diſtreſſes of mankind: becauſe having been rewarded for my induſtry beyond any one that ever went before me; to deſiſt from the toils to which I owe that reward, after obtaining the reward itſelf, would argue a crafty and ungrateful ſpirit. Was it indeed allowable for me to repoſe, could I do it by your advice, without incurring the charge of indolence, the reproach of pride, and the ſtain of inhumanity, there is no courſe I would more joyfully embrace. But if repugnance to labour argues ſupineneſs; a refuſal of the ſuppliant, pride; and a neglect of friends, ingratitude; this ſurely is a cauſe of ſuch a nature, as no man poſſeſſed of induſtry, compaſſion, or a ſenſe of duty, can refuſe to undertake. Nay, it will be eaſy for you, Sulpicius, from the conſideration of your own practice, to conjecture how I ought to behave in the preſent caſe. For if you look upon yourſelf as bound to give your opinion, even to the adverſaries of your friends, when they conſult you upon a point of law; and if you think it a diſhonour in ſuch a caſe, for the very perſon againſt whom you appear, to loſe his cauſe; be not ſo unreaſonable as to think, that while the rich ſprings of your advice are open to your very enemies, the ſmall rivulets of my ability ſhould be ſhut even to my friends. For if my friendſhip for you had determined me againſt undertaking this cauſe, and if the illuſtrious Q. Hortenſius and M. Craſſus, with others, who I underſtand ſet the greateſt value upon your eſteem, had declined it for the ſame reaſon; a conſul elect would have been without a defender in a city, where our anceſtors never ſuffered even the meaneſt of the people to want a patron. For my own part, my Lords, I could not forbear accuſing myſelf of perfidy towards a friend, cruelty towards the unfortunate, and arrogance towards a conſul, ſhould I be wanting to Murena on this occaſion. All that is due to friendſhip I will moſt liberally pay, in treating you, Servius, with the ſame deference and regard, as if my brother himſelf, who is ſo dear to me, was acting in your place. What duty, honour, and obligation require of me, ſhall be conducted in ſuch a manner, as to ſhew me mindful that I am defending the life of one friend againſt the reſentment of another.

SECT. V. I underſtand, my Lords, that the whole accuſation conſiſts of three heads; the ſcandal of Murena's life; the want of dignity in his character and family; and bribery in the late election. As to thoſe three charges; the firſt, which ſhould have been the moſt weighty, was ſo weak and trifling, that the common forms of accuſation, rather than any real ground of cenſure, ſeem to have

dicendi facultas de vita L. Murænæ dicere aliquid coëgerit. Objecta eſt enim Aſia, quæ ab hoc non ad voluptatem & luxuriam expetita eſt, ſed in militari labore peragrata; qui ſi adoleſcens, (6.) patre ſuo imperatore, non meruiſſet; aut hoſtem, aut patris imperium timuiſſe, aut à parente repudiatus videretur; an, cum ſedere in equis triumphantium (7.) prætextati potiſſimum filii ſoleant, huic donis militaribus patris triumphum decorare fugiendum fuit, ut rebus communiter geſtis pene ſimul cum patre triumpharet? Hic vero, Judices, & fuit in Aſia, & viro fortiſſimo, parenti ſuo, magno adjumento in periculis, ſolatio in laboribus, gratulationi in victoria fuit. Et ſi habet Aſia ſuſpicionem luxuriæ quandam, non Aſiam nunquam vidiſſe, ſed in Aſia continenter vixiſſe, laudandum eſt. Quamobrem non Aſiæ nomen objiciendum Murænæ fuit, ex qua laus familiæ, memoria generi, honos & gloria nomini conſtituta eſt: ſed aliquod aut in Aſia ſuſceptum, aut ex Aſia deportatum flagitium ac dedecus. Meruiſſe vero ſtipendia in eo bello, quod tum populus Romanus non modo maximum, ſed etiam ſolum gerebat, virtutis: patre imperatore libentiſſime meruiſſe, pietatis: finem ſtipendiorum patris victoriam ac triumphum fuiſſe, felicitatis fuit. Maledicto quidem idcirco nihil in hiſce rebus loci eſt, quod omnia laus occupavit.

VI. Saltatorem appellat L. Murænam Cato; maledictum eſt, ſi vere objicitur, vehementis accuſatoris: ſin falſo, maledici conviciatoris. Quare, cùm iſta ſis auctoritate, non debes M. Cato, arripere maledictum ex trivio, aut ex ſcurrarum aliquo convicio, (8.) neque temere conſulem populi Romani ſaltatorem vocare: ſed conſpicere, quibus præterea vitiis affectum eſſe neceſſe ſit eum, cui vere iſtud objici

NOTES.

(6.) *Patre ſuo imperatore non meruiſſet.*] Aſia was a country ſo delicious, that one who had been long in it, was apt to incur the ſuſpicion of luxury. Cicero with great addreſs clears Murena of this charge, and obſerves, that though he went very early into Aſia, yet it was not from prepoſſeſſion or inclination, but in obedience to the commands of a parent. For L. Murena, the father of him whom Cicero here defends, was lieutenant to Sylla in Aſia, in the Mithridatic war; and when Sylla, after the peace, returned to Italy, to quiet the commotions that had ariſen there during his abſence, he left this Murena, with two legions, to ſecure the tranquillity of Aſia, and oblige Mithridates to make good his engagements.

(7.) *Prætextati potiſſimum filii.*] Among the Romans, their generals who entered the city in triumph, were allowed to have their children and relations of both ſexes who were under age, along with them in the chariot; and if they were pretty well grown for their age, they rode upon the triumphal horſes: if there was a greater number of them than could be conveniently accommodated either of thoſe ways, then they were ſuffered to ride behind the chariot upon ſingle horſes.

(8.) *Neque temere conſulem populi Romani ſaltatorem vocare.*] Cicero's defence here is ſomewhat remarkable, and ſeems manifeſtly to imply, that dancing was in the higheſt degree diſreputable among the Romans. It appears indeed, from the preface to Cornelius Nepos, that though this accompliſhment was held in great eſtimation among the Greeks, yet the Romans made very little account of it. We are not however from this to imagine, that they abſolutely condemned all manner of dancing; for there were ſeveral ſorts of dances, which they thought contributed both to the graceſulneſs and activity of body,

compelled the proſecutors to touch upon Murena's life. They tell us he has been in Aſia, a country which he viſited not for the purpoſes of pleaſure and luxury, but traverſed in a courſe of military toils. If in his youth he had neglected to ſerve under his father, whoſe lot it was to command in thoſe parts, might it not have been preſumed, that he either dreaded the enemy, or his father's diſcipline, or that his father had rejected him as unfit for the duties of war. Does cuſtom allow ſons, even before they take the robe of manhood, to ſit with the general in his triumphal car; and was Murena to decline adorning his father's triumph with military trophies, that by ſharing with him in his exploits, he might be entitled likewiſe to partake of his honours. Yes, my Lords, Murena was in Aſia, and bore a conſiderable part in encountering the dangers, relieving the fatigues, and congratulating the victories of his gallant father. And if Aſia lies under any imputation of luxury, there can be no glory in having never ſeen it, but in living temperately in it. Therefore the name of Aſia ought not to have been objected to Murena, ſince thence the glory of his family, the fame of his race, and the renown and luſtre of his own character are derived: but his accuſers ſhould have charged him with ſome diſgrace and blemiſh of life, either contracted in Aſia, or imported from it. For to have ſerved in the greateſt, and at that time the only war in which the people of Rome were engaged, to have ſerved with chearfulneſs in an army which his father commanded, and to ſee his ſervices terminate in the victory and triumph of his father, are proofs of his courage, his piety, and his good fortune. Malice can faſten no cenſure upon theſe tranſactions, ſeeing they have all an undoubted claim to praiſe.

SECT. VI. Cato calls L. Murena a dancer. If this reproach be well grounded, it is a weighty accuſation; but if falſe, it is an outrageous calumny. Wherefore, M. Cato, as your authority carries ſo much influence with it, you ought never to ſnatch a charge from the mouths of the rabble, or the ſlanderous language of buffoons; nor ought you raſhly to call the conſul of the Roman people a dancer; but to conſider how many other crimes a man muſt needs be guilty of, before that of dancing can be truly objected to him.

NOTES.

body, and rendered men more expert in handling their arms, and performing all the exerciſes of war. I am therefore inclined to ſubſcribe to Olivet's opinion, who thinks that not dancing itſelf, but the exceſs of it, is here condemned. His words are: *An ergo ſaltare in vitio erat? Non magis quam* ædificare, loqui. *Vituperationem nihilominus continent* ædificator, locutor: *quoniam in his, atque ejus generis nominibus aliis, implicata eſt notio immoderationis, quæ vitio nunquam caret.*

objici poſſit. Nemo enim fere ſaltat ſobrius, niſi forte inſanit; neque in ſolitudine, neque in convivio moderato atque honeſto. (9.) Tempeſtivi convivii, amœni loci, multarum deliciarum comes eſt extrema, ſaltatio. Tu mihi arripis id, quod neceſſe eſt omnium vitiorum eſſe poſtremum: relinquis illa, quibus remotis, hoc vitium omnino eſſe non poteſt; nullum turpe convivium, non amor, non comiſſatio, non libido, non ſumptus oſtenditur. Et cùm ea non reperiantur, quæ voluptatis nomen habent, quæque vitioſa ſunt; in quo ipſam luxuriam reperire non potes, in eo te umbram luxuriæ reperturum putas? Nihil igitur in vitam L. Murænæ dici poteſt? nihil, inquam, omnino, Judices; ſic à me conſul deſignatus defenditur, ut ejus nulla fraus, nulla avaritia, nulla perfidia, nulla crudelitas, nullum petulans dictum in vita proferatur. Bene habet: jacta ſunt fundamenta defenſionis; nondum enim noſtris laudibus, quibus utar poſtea, ſed prope inimicorum confeſſione, virum bonum, atque integrum hominem defendimus.

VII. Quo conſtituto facilior eſt mihi aditus ad contentionem dignitatis; quæ pars altera fuit accuſationis. Summam video eſſe in te, Ser. Sulpici, dignitatem generis, integritatis, induſtriæ, cæterorumque ornamentorum omnium, quibus fretum ad conſulatus petitionem aggredi par eſt; paria cognoſco eſſe iſta in L. Muræna, atque ita paria, ut neque ipſe dignitate vinci potuerit, neque te dignitate ſuperarit. Contempſiſti L. Murænæ genus; extuliſti tuum. Quo loco ſi tibi hoc ſumis, niſi qui patricius ſit, neminem bono eſſe genere natum; facis ut rurſus plebs in Aventinum ſevocanda eſſe videatur. Sin autem ſunt amplæ & honeſtæ familiæ plebeiæ; & proavus L. Murænæ & avus Prætores fuerunt; & pater, cùm ampliſſime atque honeſtiſſime ex prætura triumphaſſet, hoc faciliorem huic gradum conſulatus adipiſcendi reliquit, quòd is jam patri debitus, à filio petebatur. Tua vero nobilitas, Ser. Sulpici, tametſi ſumma eſt, tamen hominibus literatis, & hiſtoricis eſt notior, populo verò, & ſuffragatoribus obſcurior. Pater enim fuit equeſtri loco, avus nulla illuſtri laude celebratus: itaque non ex ſermone hominum recenti, ſed ex annalium vetuſtate eruenda eſt memoria nobilitatis tuæ. Quare ego te ſemper in noſtrum numerum aggregare ſoleo, quod virtute, induſtriaque perfeciſti, ut cum equitis Rom. eſſes

NOTES.

(9.) *Tempeſtivi convivii.*] Some commentators want to read *intempeſtivi convivii*; but Salmaſius has abundantly ſhewn, that no ſuch expreſſion was in uſe among the Romans. *Tempeſtiva convivia* were thoſe entertainments that began before the uſual time for ſupper among the Romans. Such was that of Marius, taken notice of by Juvenal:

Exul ab octava Marius bibit.

Theſe early entertainments were accounted ſcandalous among the Romans.

For no body ever dances, even in ſolitude, or a private meeting of friends, who is not either drunk or mad. Dancing is always the laſt act of riotous banquets, gay places, and much jollity. You haſtily catch at a charge, which muſt neceſſarily be the reſult of all other vices, and yet object to him none of thoſe exceſſes, without which that vice cannot poſſibly ſubſiſt; no ſcandalous feaſts, no amours, no nightly revels, no lewdneſs, no extravagant expence. And if no blemiſhes of this kind, which however they may paſs under the name of pleaſures, are in reality vices, appear in his character, do you expect to find the ſhadow of luxury in a man, upon whom you cannot faſten the imputation of luxury itſelf. Can nothing then be objected to the morals of Murena? Nothing at all, my Lords. The conſul elect, whoſe cauſe I now defend, can be charged with no fraud, no avarice, no perfidy, no cruelty, no petulance, nor indecency of expreſſion. So far is well: you ſee here the foundation of my defence; for I have not yet diſplayed, as I ſhall afterwards do, almoſt by the confeſſion of his enemies, the praiſe that belongs to him as a virtuous and worthy man.

SECT. VII. Having ſettled this point, it will be the eaſier for me to enter upon the diſpute relating to dignity, which was the ſecond part of the charge. I very well know, Servius Sulpicius, that you are poſſeſſed of that eminent dignity of birth, probity, induſtry, and all other accompliſhments, which gives you an undiſputed title to aſpire to the conſulſhip. I know too, that Murena is your equal in all thoſe points; and ſo truly your equal, that neither do you ſurpaſs him in dignity, nor has he the advantage of ſurpaſſing you. You affect indeed, to depreciate the family of Murena, and exalt your own. In this caſe, if you aſſume it as a principle, that none but a patrician is of an honourable race, you ſeem again to ſummon the commons of Rome to the Aventine mount. But if there are noble and illuſtrious families of plebeian rank, then Murena's great grandfather, and grandfather, were both prætors; and his father having from the ſame dignity obtained the honour of a ſplendid triumph, the acceſſion to the conſulſhip became in this the more eaſy to the ſon, that he only demanded for himſelf, what was before due to his father. As to your nobility, Servius Sulpicius, though it be indeed of the moſt diſtinguiſhed kind, yet is it better known to antiquaries and hiſtorians, than to the people and voters at publick aſſemblies. For your father never roſe higher than the equeſtrian rank, nor was your grandfather illuſtrious by any of the principal offices of the ſtate; ſo that the nobility of your race appears not from the preſent diſcourſes of men, but muſt be ſearched for in the rubbiſh of old annals. I have therefore always reckoned you in the ſame claſs with myſelf, becauſe

eſſes filius, ſumma tamen amplitudine dignus putarere; nec mihi unquam minus in Q. Pompeio novo homine, & fortiſſimo viro, virtutis eſſe viſum eſt, quam (10.) in homine nobiliſſimo M. Æmilio. Etenim ejuſdem animi atque ingenii eſt, poſteris ſuis, quod Pompeius fecit, amplitudinem nominis, quam non acceperit, tradere; &, ut Scaurus, memoriam prope intermortuam generis ſui, virtute renovare.

VIII. Quanquam ego jam putabam, Judices, multis viris fortibus ne ignobilitas objiceretur generis, meo labore eſſe perfectum: qui non modo Curiis, Catonibus, Pompeiis, antiquis illis, fortiſſimis viris, (11.) novis hominibus, ſed his recentibus Mariis & Didiis & Cœliis commemorandis jacebant. Cum ego verò tanto intervallo clauſtra iſta nobilitatis refregiſſem, ut aditus ad conſulatum poſthac, ſicut apud majores noſtros fuit, non magis nobilitati, quam virtuti, pateret: non arbitrabar, cum ex familia vetere & illuſtri conſul deſignatus ab equitis Romani filio, conſule, defenderetur, de generis novitate accuſatores eſſe dicturos. Etenim mihi ipſi accidit, ut cum duobus Patriciis, altero improbiſſimo atque audaciſſimo, altero modeſtiſſimo atque optimo viro peterem: ſuperavi tamen dignitate Catilinam, gratia Galbam. Quod ſi id crimen homini novo eſſe deberet, profecto mihi neque inimici, neque invidi defuiſſent. Omittamus igitur de genere dicere, cujus eſt magna in utroque dignitas: videamus cætera. Quæſturam unà petiit, & ſum ego factus prior; non eſt reſpondendum ad omnia; neque enim quemquam veſtrûm fugit, cum multi pares dignitate fiant, unus autem primum ſolus poſſit obtinere, non eundem eſſe ordinem dignitatis & renuntiationis; propterea quod renuntiatio gradus habeat, dignitas autem ſit perſæpe eadem omnium. Sed Quæſtura utriuſque propemodum pari

NOTES.

(10.) *In homine nobiliſſimo M. Æmilio.*] M. Æmilius Scaurus was of an ancient family, which yet for ſeveral ages had made no figure in the commonwealth, inſomuch that he was very juſtly looked upon as the architect of his own grandeur and fortune. Aſconius ſpeaking of him ſays, *Scaurus ita fuit patricius, ut tribus ſupra eum ætatibus jacuerit domus ejus fortuna. Nam neque pater, neque avus, neque etiam proavus, ut puto, propter tenues opes, et nullam vitæ induſtriam, honores adepti ſunt. Itaque Scauro æque ac novo homini laborandum fuit.* Cicero, in his oration for Dejotarus, calls Scaurus the firſt man in the ſtate.

(11.) *Novis hominibus.*] As this expreſſion occurs frequently in Cicero's orations, it may not be amiſs to give the following explication of it, from Terratius. *Hic quærendum eſt, quinam Romæ dicerentur novi homines; res enim non ſatis per ſe perſpicua videtur. An ii, qui primum in familiam ſuam conſulatum attuliſſent? Nequaquam: nam L. Murena, qui, ut infra habetur, primus in familiam veterem, primus in municipium antiquiſſimum, conſulatum attulerat, nuſquam homo novus dicitur, cum illius pater et avus, prætores fuiſſent. An ii, qui primi ex ſua gente adepti eſſent magiſtratum? Multo minus: nam infinitum prope illorum numerum extitiſſe puto, quorum neminem appellatum fuiſſe novum hominem legimus. Quapropter, qui ad conſularem dignitatem perveniſſent, ex illis orti familiis, ex quibus antea nemo vel magiſtratum geſſerat,*

though but the ſon of a Roman knight, you have yet by your induſtry and virtue, opened your way to the higheſt honours of your country. Nor did I ever think the merit of the brave Quintus Pompeius, though but a new man, inferior to that of the noble Marcus Æmilius. For it argues no leſs magnanimity and ſpirit in Pompeius, to tranſmit to his deſcendants a luſtre which he received not; than it does in Scaurus, to have renewed by his virtue the almoſt extinct glory of his race.

SECT. VIII. I had indeed flattered myſelf, my Lords, that in conſequence of my toils, obſcurity of birth would no longer be an objection to many brave men; who were not only on the ſame footing with the Curius's, the Cato's, the Pompeius's, all old Romans, of diſtinguiſhed courage, and plebeian rank; but with thoſe too of later date, the Marius's, the Didius's, and the Cælius's. For when, after ſuch a diſtance of time, I had broken through that barricade of nobility, and, as in the days of our anceſtors, laid the conſulſhip open to the virtuous, as well as to the noble; and when a conſul elect, of an ancient and illuſtrious deſcent, was defended by a conſul, the ſon of a Roman knight; I never imagined, that the accuſers would venture to ſay a word about the novelty of a family. For I myſelf had two patrician competitors, the one a profligate and audacious, the other an excellent and modeſt man: yet I outdid Catiline in dignity, and Galba in intereſt. And had ſucceſs been a crime in a new man, I wanted not enemies and enviers to object it to me. Let us leave then this ſubject of their birth in which both are eminent, and let us proceed to the other points. He ſtood with me, ſays Sulpicius, for the quæſtorſhip; and I was firſt declared. There is no need of anſwering to every particular. All of you know, that when many of equal dignity are elected into the ſame office, and only one can obtain the honour of the firſt nomination, the degree of dignity can be no rule for that of the declaration. For the order of nomination is ſucceſſive, whereas the parties oftentimes are of equal rank. But the quæſtorſhip allotted to each was almoſt of equal importance. Murena had a province eaſy

NOTES.

geſſerat, vel fuerat ſenator; eos demum novos homines dicebant. Tales fuere quicumque a Cicerone hic recenſentur, quorum majores ex plebe, aut ex ordine equeſtri. Scribit Aſconius in comment. ad orat. contra competitor. Sex competitores in conſulatus petitione Cicero habuit, duos patricios, P. Sulpicium Galbam, L. Sergium Catilinam; quatuor plebeios, ex quibus duos nobiles, C. Antonium, et L. Caſſium Longinum: (dicuntur nobiles, quia ex illorum majoribus nonnulli conſules fuerant.) duos, qui tantum non primi ex familiis ſuis magiſtratum adepti erant, Q. Cornificium, et C. Licinium ſacerdotem: (hi neque nobiles erant, nullo geſto a majoribus conſulatu, neque novi homines, quorum patres aut avi aliquem magiſtratum ceperant.) ſolus Cicero ex competitoribus equeſtri erat loco natus; adeoque conſulatum adeptus, non tamen ante conſulatum, novus homo.

pari momento ſortis fuit; habuit hic (12.) lege Titia provinciam tacitam & quietam: tu illam, cui, cum Quæſtores ſortiuntur, etiam acclamari ſolet, Oſtienſem, non tam gratioſam & illuſtrem, quàm negotioſam & moleſtam; conſedit utriuſque nomen in Quæſtura; nullum enim vobis ſors campum dedit, in quo excurrere virtus, cognoſcique poſſet.

IX. Reliqui temporis ſpatium, quod in contentionem vocatur, ab utroque diſſimillima ratione tractatum eſt. Servius hic nobiſcum hanc urbanam militiam reſpondendi, ſcribendi, cavendi, plenam ſolicitudinis ac ſtomachi, ſecutus eſt: jus civile didicit: multum vigilavit: laboravit: præſto multis fuit: multorum ſtultitiam perpeſſus eſt; arrogantiam pertulit: difficultatem exſorbuit: vixit ad aliorum arbitrium, non ad ſuum. Magna laus, & grata hominibus, unum hominem elaborare in ea ſcientia, quæ ſit multis profutura. Quid Muræna interea? fortiſſimo & ſapientiſſimo viro, ſummo imperatori legatus L. Lucullo fuit: qua in legatione duxit exercitum, ſigna contulit, manum conſeruit, magnas copias hoſtium fudit, urbes partim vi, partim obſidione cepit: Aſiam iſtam refertam, & eandem delicatam ſic obiit, ut in ea neque avaritiæ, neque luxuriæ veſtigium reliquerit: maximo in bello ſic eſt verſatus, ut hic multas res & magnas ſine imperatore geſſerit, nullam ſine hoc imperator. Atque hæc, quanquam præſente L. Lucullo loquar, tamen ne ab ipſo propter periculum noſtrum conceſſam videamur habere licentiam fingendi, publicis literis teſtata ſunt omnia: quibus L. Lucullus tantum laudis impertit, quantum neque ambitioſus imperator, neque invidus, tribuere alteri in communicanda gloria debuit. Summa in utroque eſt honeſtas, ſumma dignitas: quam ego, ſi mihi per Servium liceat, pari atque eadem in laude ponam: ſed non licet; agitat rem militarem: inſectatur totam hanc legationem: aſſiduitatis, & operarum harum quotidianarum putat eſſe conſulatum. Apud exercitum mihi fueris, inquit, tot annos? forum non attigeris? abfueris tamdiu? &, cùm longo intervallo veneris, cum iis, qui in foro habitarunt, de dignitate contendas? Primum iſta noſtra aſſiduitas, Servi, neſcis quantum interdum afferat hominibus faſtidii, quantum ſatietatis; mihi quidem vehementer expediit, poſitam in oculis eſſe gratiam: ſed tamen

NOTES.

(12.) *Lege Titia provinciam tacitam.*] Pighius, in his annals of the Roman commonwealth, upon the year four hundred and eighty-eight, gives it as his opinion, that C. Titius, a tribune of the people, paſſed that year a law for doubling the number of quæſtors, and aſſigning them their provinces by lot. This he tells us is the very law, which Cicero, in his oration for Murena, diſtinguiſhes by the name of the Titian law. Tho' this can be called no more than conjecture, yet it muſt be allowed far the moſt probable of any that has hitherto been offered for the clearing of this paſſage. The province has here the epithet of *tacita* given it, becauſe being one of the four Italic provinces, it was remote from the tumults of war, and gave no opportunities for the exertion of military talents.

eaſy and quieted by the Titian law. Oſtia fell to your ſhare, which in the allotment of provinces is generally hollowed at by the people, as being attended with more buſineſs and fatigue, than power and honour. Neither of you gained any reputation in this office; becauſe fortune had given you no field, wherein to diſplay and make known your virtues.

SECT. IX. Your conduct ſince, comes now to be examined, which differs according to your different courſe of life. Servius embarked with me in the city warfare of giving opinions, pleading cauſes, and drawing contracts; a buſineſs full of perplexity and vexation. He applied to the civil law, watched much, laboured without intermiſſion, was always ready with his advice, bore the impertinence of many, winked at their arrogance, ſolved all their doubts; and lived to pleaſe others, not himſelf. Great is the praiſe, and greatly acceptable to mankind, when one man labours in a ſcience, by which multitudes are to profit. But how was Murena employed in the mean while? He ſerved as lieutenant-general to that great commander the wiſe and accompliſhed L. Lucullus; in which capacity he headed an army, drew up his men, joined battle, defeated the numerous troops of the enemy; and partly by ſiege, partly by aſſault, took a great many of their towns. He traverſed the rich and voluptuous country of Aſia, ſo as to leave no traces behind him either of avarice or luxury; and behaved in that great war in ſuch a manner, as to perform many and important ſervices without his general, while his general did nothing conſiderable without him. But though I ſpeak this in preſence of Lucullus, yet leſt it ſhould be imagined, that in conſideration of our preſent danger, he gives me leave to exaggerate matters as I pleaſe; I appeal to the publick letters ſent to the ſenate, in which Lucullus aſcribes more praiſe to Murena, than any general, byaſſed either by envy or ambition, would allow to another in a communication of fame. Both competitors are men of diſtinguiſhed probity and rank, and would Servius give me leave, I would place the merits of both upon a level in point of praiſe: but he will not. He depreciates the military art; he inveighs againſt Murena's lieutenancy; and conſiders the conſulſhip as due only to the aſſiduities of the bar, and the tedious exerciſe of our daily pleadings. Have you lived, ſays he, ſo many years in a camp, without ſo much as ſeeing the forum? Have you been abſent ſo long? And now that you are at length returned, do you pretend to enter into a competition of dignity with men, to whom the forum has been a place of habitation? But let me tell you, Servius, you ſeem not here to conſider, how much ſatiety and diſguſt this conſtant appearance of ours ſometimes creates among men. It proved indeed of unſpeakable advantage to

tamen ego mei ſatietatem magno meo labore ſuperavi; & tu idem fortaſſe: verumtamen utrique noſtrûm deſiderium nihil obfuiſſet. Sed ut, hoc omiſſo, ad ſtudiorum atque artium contentionem revertamur: quî poteſt dubitari quin ad conſulatum adipiſcendum multo plus afferat dignitatis, rei militaris, quam juris civilis gloria? Vigilas tu de nocte, ut tuis conſultoribus reſpondeas: ille, ut, quo intendit, mature cum exercitu perveniat; te gallorum, illum buccinarum cantus exſuſcitat; tu actionem inſtituis, ille aciem inſtruit; tu caves, ne tui conſultores; ille ne urbes aut caſtra capiantur. Ille tenet, & ſcit, ut hoſtium copiæ; tu ut aquæ pluviæ arceantur; ille exercitatus eſt in propagandis finibus; tu in regendis. Ac nimirum (dicendum eſt enim quod ſentio) rei militaris virtus præſtat cæteris omnibus.

X. Hæc nomen populo Romano, hæc huic urbi æternam gloriam peperit: hæc orbem terrarum parere huic imperio coegit; omnes urbanæ res, omnia hæc noſtra præclara ſtudia, & hæc forenſis laus, & induſtria, latent in tutela ac præſidio bellicæ virtutis; ſimulatque increpuit ſuſpicio tumultus, artes illico noſtræ conticeſcunt. Et, quoniam mihi videris iſtam ſcientiam juris tanquam filiolâm oſculari tuam, non patiar te in tanto errore verſari, ut iſtud neſcio quid, quod tantopere didiciſti, præclarum aliquid eſſe arbitrere. Aliis ego te virtutibus, continentiæ, gravitatis, juſtitiæ, fidei, cæteris omnibus, conſulatu & omni honore ſemper digniſſimum judicavi; quòd quidem jus civile didiciſti; non dicam, operam perdidiſti: ſed illud dicam, nullam eſſe in illa diſciplina munitam ad conſulatum viam; omnes enim artes, quæ nobis populi Romani ſtudia conciliant, & admirabilem dignitatem, & pergratam utilitatem debent habere.

XI. Summa dignitas eſt in iis, qui militari laude antecellunt; omnia enim, quæ ſunt in imperio & in ſtatu civitatis, ab iis defendi & firmari putantur; ſumma etiam utilitas: ſiquidem eorum conſilio, & periculo, cùm republica, tum etiam noſtris rebus perfrui poſſumus;

me, that my ſervices were conſtantly in the eye of the publick; yet was it not without great application, that I conquered the diſguſt ariſing from my daily appearance. You perhaps have done the ſame: yet ſtill I am apt to think, that a little abſence would have been no diſſervice to either of us. But, dropping this, let us return to the compariſon of their talents and profeſſions. Can it be a doubt with any one, whether the ſcience of arms gives not more dignity to a candidate for the conſulſhip, than ſkill in the civil law? you watch all night long, to have an anſwer ready for thoſe that come to conſult you; and he, that he may arrive betimes at the appointed place with his army. You are awaked by the crowing of the cock; he by the ſound of trumpets. You draw up a proceſs; he marſhals an army. You provide againſt the dangers of your clients; he againſt thoſe that threaten his towns or camp. He knows how to oppoſe and baffle the attempts of his enemies; you can guard againſt the inconveniencies of ſtorms and rain. He is employed in enlarging the bounds of the ſtate; you in regulating the civil adminiſtration. In ſhort, to ſpeak my ſentiments freely, the glory of military accompliſhments, takes place of every other claim to merit.

SECT. X. This was what firſt gave a name to the Roman people, brought immortal renown to their city, and ſubdued the world to their empire. All our domeſtick poſſeſſions, all theſe noble ſtudies of ours, all our reputation and aſſiduity at the bar, derive their protection and ſecurity from martial virtue alone. The leaſt whiſper of any publick tumult, puts all thoſe arts of ours immediately to ſilence. And becauſe you ſeem to careſs this ſcience of the civil law, as a fond parent does a darling child, I will not ſuffer you to continue any longer in ſo great a miſtake, as to imagine, that this I can't tell what ſtudy, which you have maſtered with ſo much toil, is entituled to any eminent ſhare of praiſe. It was from virtues of another ſtamp, thoſe of moderation, prudence, juſtice, integrity, and every other deſirable quality, that I always judged you moſt worthy of the conſulſhip, and every diſtinction of honour. As to your ability in the civil law, I will not ſay it is loſt labour; but this I will ſay, that it offers no certain proſpect of the conſulſhip: for all the arts that ſerve to conciliate the affections of the Roman people, ought to be eminent for their dignity, and recommending by their utility.

SECT. XI. The men who excel in military accompliſhments, are poſſeſſed of the higheſt dignity. For all that is great in the empire and commonwealth, confeſſedly owes its eſtabliſhment and continuance to them. Nor are they leſs eminent for their utility;

poſſumus; gravis etiam illa eſt & plena dignitatis dicendi facultas, quæ ſæpe valuit in conſule deligendo; poſſe conſilio atque oratione, & Senatus, & populi, & eorum qui res judicant, mentes permovere. Quæritur Conſul, qui dicendo nonnunquam comprimat tribunitios furores, qui concitatum populum flectat, qui largitioni reſiſtat. Non mirum, ſi ob hanc facultatem homines ſæpe etiam non nobiles conſulatum conſecuti ſunt: præſertim cùm hæc eadem res plurimas gratias, firmiſſimas amicitias, maxima ſtudia pariat: quorum in iſto veſtro artificio Sulpici, nihil eſt. Primum dignitas in tam tenui ſcientia, quæ poteſt eſſe? res enim ſunt parvæ, prope in ſingulis literis atque interpunctionibus verborum occupatæ. Deinde etiam ſi quid apud majores noſtros fuit in iſto ſtudio admirationis, id enuntiatis veſtris myſteriis, totum eſt contemptum & abjectum. Poſſet agi lege, necne, pauci quondam ſciebant: faſtos enim vulgo non habebant: erant in magna potentia, qui conſulebantur: à quibus etiam dies tanquam à Chaldæis petebantur; (13.) inventus eſt ſcriba quidam Cn. Flavius, qui cornicum oculos confixerit, & ſingulis diebus ediſcendos faſtos populo propoſuerit, & ab ipſis cautis Juriſconſultis eorum ſapientiam compilarit. Itaque irati illi, quòd ſunt veriti ne, dierum ratione promulgata & cognita, ſine ſua opera lege poſſet agi, notas quaſdam compoſuerunt, ut omnibus in rebus ipſi intereſſent.

XII. Cum hoc fieri belliſſime poſſet: Fundus Sabinus meus eſt: immo meus: deinde judicium: noluerunt. FUNDUS, inquit, QUI EST IN AGRO QUI SABINUS VOCATUR. Satis verboſe: cedo, quid poſtea? EUM EGO EX JURE QUIR. MEUM ESSE AIO, Quid tum? INDE IBI EGO TE EX JURE MANU CONSERTUM VOCO. Quid huic tam loquaciter litigioſo reſponderet

NOTES.

(13.) *Inventus eſt ſcriba quidam, Cn. Flavius, qui cornicum oculos.*] This whole ſtory may be learnt from Pomponius's Enchiridion, whoſe words are ſtill extant in the book of Pandects, where they treat of the origin of the civil law. I ſhall here tranſcribe what relates to the preſent paſſage, for the ſake of ſuch as are unacquainted with this piece of hiſtory. *Deinde*, ſays he, *ex his legibus eodem fere tempore, actiones compoſitæ ſunt, quibus inter ſe homines diſceptarent; quas actiones, ne populus, ut vellet, inſtituerit, certas ſolemnèſque eſſe voluerunt: et appellabatur hæc pars juris, legis actiones. Et ita eodem pene tempore, tria hæc jura nata ſunt: Leges duodecim tabularum: ex his fluere cæpit jus civile: ex iiſdem legis actiones compoſitæ ſunt. Omnium tamen harum et interpretandi ſcientia, et actiones, apud collegium pontificum erat, ex quibus conſtituebatur, quis quoque anno præeſſet privatis: et populus prope centum annos hac conſuetudine uſus eſt. Poſtea, cum Appius Claudius diſpoſuiſſet, et ad formam redegiſſet has actiones, Cn. Flavius, ſcriba ejus, libertini filius, ſurreptum librum populo tradidit: et adeo gratum id munus populo fuit, ut tribunus plebis fieret, et ſenator, et ædilis curulis. Hinc liber, qui actiones continet, appellatur jus civile Flavianum.* Then almoſt at the ſame time actions or forms were compoſed out of thoſe laws, by which men diſputed with one another; which actions, leſt the people ſhould appoint them when they pleaſed, were reduced to ſtated and ſolemn terms; and this part of the law was called *legis actiones*, the forms of the law. Thus, almoſt at one time, theſe three kinds of laws ſprang up: the laws of the twelve tables; from

ſince it is by their counſels and dangers, that we are protected in the poſſeſſion of publick liberty, and private property. Eloquence too has its claim to merit and praiſe; and is often of powerful influence in the choice of a conſul, by its addreſs and language to touch the affections of the ſenate, the people, and the judges. The publick requires a conſul, who can upon occaſion repreſs the violences of tribunes, appeaſe the fury of the people, and check the current of corruption. No wonder then, if this talent has often raiſed men even of ignoble birth to the conſulſhip; eſpecially as it is ſo admirably calculated, to beget the ſtrongeſt attachments, the moſt univerſal good-will, and the firmeſt friendſhips: advantages, Sulpicius, of which that art you ſo much value is entirely deſtitute. For firſt, what dignity can there be in ſo trifling a ſcience? the ſubjects themſelves are minute, almoſt wholly confined to ſingle letters, and the ſtops of ſentences: and then, whatever admiration might have attended this ſtudy with our forefathers, now that the whole myſtery is divulged, it is fallen into utter diſgrace and contempt. But few were able to tell formerly, whether an action could be brought or not; for in thoſe days there was no publick calendar. The perſons conſulted were in mighty eſteem, and reſorted to as the Chaldeans of old, to give notice of the days on which actions were allowed. At laſt a ſcribe, one Cn. Flavius, outwitted this tribe of conjurers; ſet up a calendar with the proper diſtinction of days; and pillaged the very lawyers themſelves of their knowledge. They, in great wrath, and fearing that actions might be brought without them, now the proper court days could be known, ſet themſelves to contrive certain forms of proceeding, to render their intervention neceſſary in all cauſes.

SECT. XII. Though it would anſwer very well in determining a claim: *That Sabine farm is mine: nay, 'tis mine: after which give judgment:* yet this the lawyer will by no means allow. *The farm,* ſays he, *which lies in the Sabine country, commonly ſo called.* Verboſe enough. But what next? *I claim by the laws of the land as my property.* Go on: *And therefore I now give you legal warning to quit poſſeſſion.* The defendant, meanwhile, has nothing to anſwer

NOTES.

from them proceeded the civil law, and from the civil law, the *legis actiones*. But the knowledge of all theſe, with the actions themſelves, was confined to the pontifical college, out of which the judges of private property were every year appointed, and the people went by this uſage for near a hundred years. Afterwards, when Appius Claudius had digeſted and modelled theſe actions, Cn. Flavius, his ſcribe, the ſon of a freedman, ſtole the book, and publiſhed it for general uſe. This preſent was ſo agreeable to the people, that he was made tribune of the commons, ſenator, and curule ædile. Thence the book containing thoſe forms is called the Flavian civil law.

reſponderet ille, unde petebatur, non habebat. Tranſit idem juriſconſultus tibicinis Latini modo; UNDE TU ME, inquit, EX JURE MANU CONSERTUM VOCASTI, INDE IBI EGO TE REVOCO. Prætor interea, ne pulchrum ſe ac beatum putaret, atque aliquid ipſe ſua ſponte loqueretur, ei quoque carmen compoſitum eſt, cùm cæteris rebus abſurdum, tum verò nullo uſu: UTRISQUE SUPERSTITIBUS PRÆSENTIBUS: ISTAM VIAM DICO: INITE VIAM; præſto aderat ſapiens ille, qui inire viam doceret: REDITE VIAM; eodem duce redibant. Hæc jam tum apud illos barbaros ridicula, credo, videbantur: homines, cum recte atque in loco conſtitiſſent, jubere abire, ut, unde abiſſent, eodem ſtatim redirent. Iiſdem ineptiis fucata ſunt illa omnia, QUANDO TE IN JURE CONSPICIO; & hæc, SED ANNE TU DICIS CAUSA VINDICAVERIS? quæ dum erant occulta, neceſſario ab eis, qui ea tenebant, petebantur: poſtea vero pervulgata, atque in manibus jactata & excuſſa, inaniſſima prudentiæ reperta ſunt, fraudis autem & ſtultitiæ pleniſſima. Nam cum permulta præclare legibus eſſent conſtituta, ea jureconſultorum ingeniis pleraque corrupta ac depravata ſunt. Mulieres omnes propter infirmitatem conſilii majores in tutorum poteſtate eſſe voluerunt: hi invenerunt genera tutorum, quæ poteſtate mulierum continerentur; ſacra interire illi noluerunt: horum ingenio ſenes ad coemptiones faciendas, interimendorum ſacrorum cauſa, reperti ſunt. In omni denique jure civili æquitatem reliquerunt, verba ipſa tenuerunt: ut, qui in alicujus libris, exempli cauſa, id nomen invenerant, putarunt omnes mulieres, (14.) quæ coemptionem facerent, Caias vocari. Jam illud mihi quidem mirum videri ſolet, tot homines, tam ingenioſos, per tot annos etiam nunc ſtatuere non potuiſſe, utrum diem tertium, an perendinum; judicem an arbitrum; rem an litem dici oporteret.

XIII. Itaque, ut dixi, dignitas in iſta ſcientia conſularis nunquam fuit, quæ tota ex rebus fictis commentitiiſque conſtaret: gratiæ vero multo etiam minus. Quod enim omnibus patet, & æque promptum eſt mihi & adverſario meo id eſſe gratum nullo pacto poteſt. Itaque non modò beneficii collocandi ſpem, ſed etiam illud quod

NOTES.

(14.) *Quæ coemptionem facerent.*] The word *coemptio*, which Cicero uſes in this place, has a very different ſignification from that which it bears a few lines before. For there it denotes the pretended ſale of an eſtate to ſome old man, who, in order to elude the rites that were uſed when a ſucceſſion devolved upon an heir, was ſuppoſed to buy the inheritance, and then inveſt an imaginary heir with it. But here it expreſſes the union between the huſband and the wife, which was ſolemnized in three different manners by the Romans, *confarreatione*, *uſu*, *coemptione*; for an explication of which we refer to Hotoman and Briſſonius.

anſwer to this tedious round of law-jargon. Then the lawyer, like a flute-player at a comedy, going over to the ſide of the defendant, frames this reply: *From thoſe premiſſes, whence you gave me legal warning to depart, I now in like manner order you to retire.* Here the prætor, leſt he ſhould think himſelf happy in being at liberty to ſay ſomething of his own, is obliged to repeat a common-place form, as on other accounts ridiculous, ſo particularly for this, that it is abſolutely devoid of meaning or uſe. *Let the two parties preſent*, ſays he, *advance this way. Go.* Inſtantly a ſage preſents himſelf to regulate their ſteps. *Return*, ſays the prætor: upon which the ſame maſter of the ceremonies conducts them back. Even the bearded gentlemen themſelves often ſmile at this farce; to ſee men ordered to quit a place where they ſtand quietly and conveniently, that when they have left it, they may immediately return to it again. Every thing was infected with the like impertinencies. *When I ſee you perſonally preſent in court.* And again: *Do you offer to ſpeak, when your pretenſions have been over-ruled?* While theſe forms were kept ſecret, there was a neceſſity for having recourſe to thoſe to whom they were known; but after they became publick, and began to be canvaſſed and examined, they were found quite void of all meaning, but replete with roguery and folly. For though our laws abound in admirable inſtitutions, yet have the refinements of lawyers perverted every thing. Our anceſtors ordained, that women, as being leſs capable to manage for themſelves, ſhould be under the direction of guardians. But lawyers have invented a ſpecies of guardians, whoſe authority is ſubordinate to that of their wards. Nothing was more earneſtly ſtudied by our forefathers, than to perpetuate religious rites: but the ingenuity of theſe gentlemen has deviſed a method, in which old men by a pretended purchaſe, exempt the heir from the ſervitude of theſe ceremonies. In ſhort, they have quitted the ſtudy of equity in the law, and attached themſelves wholly to terms: inſomuch that becauſe the word *Caia* occurs in ſome of their books, they have concluded that all women concerned in any contract ought to be ſo named. Nor has it leſs appeared a matter of wonder to me, that ſo many ingenious men, have not to this day been able to determine, whether they ought to ſay, *the third day*, or *the day after to-morrow*; *judge*, or *arbiter*; *an action*, or *a plea.*

SECT. XIII. As I have ſaid, therefore, there can be no conſular dignity, and far leſs any luſtre in a ſcience, which rolls entirely upon trivial and empty forms. For what is open to all, and alike ſerviceable to my adverſary and me, can never ſurely be accounted engaging. You have therefore, not only loſt all hope of being ſerviceable to others, but the very form of addreſſing you for advice

quod aliquando fuit, LICET CONSULERE, jam perdidiſtis. Sapiens exiſtimari nemo poteſt in ea prudentia, quæ neque extra Romam uſquam, neque Romæ, rebus prolatis, quidquam valet; peritus ideo haberi non poteſt, quòd in eo quod ſciunt omnes, nullo modo poſſunt inter ſe diſcrepare; difficilis autem res ideo non putatur, quòd & perpaucis, & minime obſcuris literis continetur. Itaque ſi mihi homini vehementer occupato ſtomachum moveritis, triduo me juriſconſultum eſſe profitebor. Etenim quæ de ſcripto aguntur, ſcripta ſunt omnia: neque tamen quidquam tam anguſte ſcriptum eſt, quo ego non poſſim, QUA DE RE AGITUR, addere; quæ conſuluntur autem, minimo periculo reſpondentur: ſi id quod oportet, reſponderis; idem videare reſpondiſſe quod Servius: ſin aliter; etiam controverſum jus noſſe, & tractare videare. Quapropter non ſolum illa glòria militaris veſtris formulis atque actionibus anteponenda eſt, verum etiam dicendi conſuetudo longe & multum iſti veſtræ exercitationi ad honorem antecellet. Itaque mihi videntur plerique initio multo hoc maluiſſe: poſt, cum id aſſequi non potuiſſent, iſtuc potiſſimum ſunt delapſi: ut aiunt in Græcis artificibus, eos aulœdos eſſe, qui citharœdi fieri non potuerint; ſic nonnullos videmus, qui oratores evadere non potuerunt, eos ad juris ſtudium devenire. Magnus dicendi labor, magna res, magna dignitas, ſumma etiam gratia. Etenim à vobis ſalubritas quædam, ab iis qui dicunt, ſalus ipſa petitur. Deinde veſtra reſponſa atque decreta & evertuntur ſæpe dicendo, & ſine defenſione Oratoris firma eſſe non poſſunt. In qua re ſi ſatis proficiſſem, parcius de ejus laude dicerem: nunc nihil de me dico, ſed de iis, qui in dicendo magni ſunt, aut fuerunt.

XIV. Duæ ſunt artes, quæ poſſunt locare homines in ampliſſimo gradu dignitatis; una imperatoris, altera oratoris boni. Ab hoc enim pacis ornamenta retinentur; ab illo belli pericula repelluntur. Cæteræ tamen virtutes ipſæ per ſe multum valent, juſtitia, fides, pudor, temperantia, quibus te, Servi, excellere omnes intelligunt: ſed nunc de ſtudiis ad honorem diſpoſitis, non de inſita cujuſque virtute diſputo. Omnia iſta nobis ſtudia de manibus excutiuntur, ſimulatque aliquis motus novus bellicum canere cœpit. Etenim, ut ait ingenioſus Poëta & auctor valde bonus, prœliis promulgatis, PELLITUR E MEDIO non ſolum iſta veſtra verboſa ſimulatio prudentiæ,

is fallen into diſuſe. Can any man be accounted wiſe for his ability in a ſcience, which without the walls of Rome is of no manner of uſe, and in vacation time is uſeleſs even in Rome itſelf? ſure there can be no cunning in a part of knowledge, which is ſo obvious to all men, that it is impoſſible there ſhould be any diſpute about it. Nor was any thing ever accounted difficult, becauſe it was contained in a few, and thoſe very plain words. Nay, if you provoke me, entangled as I am in other affairs, I will yet profeſs myſelf a lawyer in three days time. For all the writing buſineſs of this profeſſion, is contained in certain forms already reduced to writing: nor are any of theſe ſo obſcurely worded, as that I ſhall be at a loſs to perceive their meaning. As to the conſultive part, nothing is ſo eaſy as giving one's opinion: for if you anſwer as you ought, even Sulpicius himſelf could not have done better: but if otherwiſe, you will paſs for one thoroughly ſkilled in the controverted points of law. And thus, not only is military glory preferable to your forms and deciſions; but even the practice of ſpeaking conduces far more to the attainment of publick honours, than does the exerciſe of your profeſſion. I am therefore of opinion, that the aim of the greater part at firſt was eloquence; which, finding above their reach, they ſunk into civilians. For as we commonly ſay of Greek artiſts, that an indifferent harper may make a good piper; ſo we ſee ſome who are incapable of turning out orators, fall into the profeſſion of lawyers. The practice of ſpeaking is attended with much toil: the ſtudy itſelf is important, full of dignity, and formed to beget popularity. To you men apply for good counſel, but to the orator for preſervation and ſafety. Beſides, your anſwers and deciſions often vaniſh before a good ſpeaker, and can never ſupport themſelves without the aid of eloquence: in which had it been my happineſs to make any conſiderable progreſs, I ſhould be more ſparing in its praiſes. What I now ſay is no way applicable to myſelf, but to thoſe only who are or have been eminent in pleading.

SECT. XIV. There are two arts capable of placing men in the higheſt degree of dignity; that of a good general, and that of a good orator. The one ſecures to us all the advantages and ornaments of peace; the other protects us from the terrors and dangers of war. Other virtues, it muſt be allowed, are not without their ſhare of praiſe, ſuch as juſtice, honour, modeſty, temperance; virtues in which you, Servius, are univerſally known to excel. But the diſpute at preſent is about the arts that lead to preferment, not the intrinſick worth of particular perſons. All theſe ſtudies vaniſh at once from our ſight, how ſoon any new commotion beats the alarm to war. For, as an ingenious poet of approved merit,

prudentiæ, ſed etiam illa ipſa domina rerum SAPIENTIA: VI GERITUR RES. SPERNITUR ORATOR non ſolum odioſus in dicendo, ac loquax, verum etiam BONUS: HORRIDUS MILES AMATUR. Veſtrum vero ſtudium totum jacet. NON EX JURE MANU CONSERTUM, SED MAGE FERRO, inquit, REM REPETUNT. Quod ſi ita eſt, cedat, opinor, Sulpici, forum caſtris, otium militiæ, ſtilus gladio, umbra ſoli: ſit denique in civitate ea prima res, propter quam ipſa eſt civitas omnium princeps. Verum hæc, Cato, nimium nos noſtris verbis magna facere demonſtrat, & oblitos eſſe, bellum illud omne Mithridaticum cum mulierculis eſſe geſtum; quod ego longe ſecus exiſtimo, Judices; deque eo pauca diſſeram; neque enim cauſa in hoc continetur. Nam ſi omnia bella, quæ cum Græcis geſſimus, contemnenda ſunt: derideatur (15.) de rege Pyrrho triumphus M. Curii: de Philippo, T. Flaminini: de Ætolis, M. Fulvii: de rege Perſe, L. Paulli: de Pſeudophiliippo, Q. Metelli: de Corinthiis, L. Mummii. Sin hæc bella graviſſima, victoriæque eorum bellorum graviſſimæ fuerunt; cur Aſiaticæ nationes, atque ille à te hoſtis contemnitur? Atqui ex veterum rerum monumentis, vel maximum bellum populum Roman. cum Antiocho geſſiſſe video: cujus belli victor L. Scipio, parta cum Publio fratre gloria, quam laudem ille, Africa oppreſſa, cognomine ipſo præ ſe ferebat, eandem hic ſibi ex Aſiæ nomine aſſumpſit. Quo quidem in bello virtus enituit egregia M. Catonis, proavi tui. Quo ille, cum eſſet, ut ego mihi ſtatuo, talis, qualem te eſſe video, nunquam cum Scipione eſſet profectus, ſi cum mulierculis bellandum eſſe arbitraretur. Neque vero cum P. Africano

NOTES.

(15.) *De rege Pyrrho triumphus M. Curii.*] Cicero is here engaged in the vindication of his client's valour, which, he obſerves, was tried in a very formidable war, a war that could not be made light of, without undervaluing ſome of the moſt important the Romans were ever engaged in. Of this kind he mentions ſeveral; as firſt the war with Pyrrhus, king of Epirus, which happened in the four hundred and third year of the city, when the Tarentines invited him into Italy, to defend them againſt the Romans. After a ſtruggle of five years, he was finally defeated by Curius Dentatus, who was rewarded with the honour of a triumph. Philip engaging in a league with Hannibal, thereby drew upon himſelf the reſentment of the Romans; who, after the concluſion of the ſecond Punick war, ſent T. Flamininus againſt him, by whom he was defeated, and obliged to ſue for peace. For this ſervice Flamininus was honoured with a triumph; as was ſoon after Fulvius Nobilior, for vanquiſhing the Aetolians, and obliging them to ſubmit without reſerve to the authority of the commonwealth. Perſeus next felt the weight of the Roman power, who was vanquiſhed and taken priſoner by Paulus Æmilius, whoſe triumph he ſerved to adorn: nor did Andriſcus, who pretended he was the ſon of Perſeus, and as ſuch took poſſeſſion of Macedonia, long enjoy the fruit of his uſurpation; being defeated and taken by Q. Cæcilius Metellus, who thereupon obtained a triumph, and the ſurname of *Macedonicus*. The next war the Romans were engaged in with the Greeks, was that under the conduct of Mummius, who took and ſacked Corinth, and triumphed over the Acheans. So many triumphs granted for victories over the Greeks, ſufficiently demonſtrated, that the Romans conſidered them as very formidable enemies. But leſt this ſhould be thought to regard only the European, and not the Aſiatick Greeks, our orator mentions alſo the wars with theſe laſt; whoſe importance he leaves

ſays, *when war is declared, not only the wordy counterfeit of good ſenſe, but wiſdom herſelf, the miſtreſs of affairs, quits the field. Violence bears ſway: and the orator himſelf, not the tedious and prattling only, but the approved and excellent, falls into contempt. The grim ſoldier is careſſed; legal proceedings ceaſe; and claims are made good, not in the ordinary courſe of law, but by force of arms.* If this be the caſe, Sulpicius, in my opinion, the forum muſt yield to the camp, repoſe to war, the pen to the ſword, and the ſhade of retirement to the ſcorching beams of the ſun; in fine, that muſt always have the firſt rank in a ſtate, to which the ſtate itſelf is indebted for its ſuperiority over all others. But Cato pretends, that I exaggerate too much the military virtues of my friend, and ſeem to have forgot, that the Mithridatic war was little other than a war with women. But I am of a very different opinion, my Lords, and muſt therefore endeavour to ſet you right in relation to that war, though with all poſſible brevity, as the ſtreſs of my defence reſts not here. For if all the wars, in which we have been engaged with the Greeks, are to be derided as trifling, what ſhould hinder us from ridiculing the triumph of M. Curius over king Pyrrhus, of T. Flamininus over Philip, of M. Fulvius over the Ætolians, of L. Paulus over king Perſeus, of Q. Metellus over the counterfeit Philip, and of L. Mummius over the Corinthians? But if theſe were really conſiderable wars, and the victories that terminated them important, why do you deſpiſe the Aſiatic nations, and ſo formidable an enemy as Mithridates. It appears to me, by the records of former times, that the people of Rome had a very dangerous war to maintain againſt Antiochus; in which L. Scipio, ſharing the glory of conqueſt with his brother Publius, added the ſame honour to his name by the reduction of Aſia, as the other had before done by his victories in Africa. It was in this war that your great grandfather M. Cato ſo eminently diſtinguiſhed himſelf by his valour. And if, as I am apt to believe, he was a man of a like character with yourſelf, I ſhall never be perſuaded he would have attended Scipio in that war, had he thought they were to have to do only with women. Nor indeed would the ſenate have engaged Scipio Africanus to ſerve as lieutenant under his brother,

NOTES.

leaves the reader to collect, from the character of the commanders choſen to conduct them, and the precautions uſed to render them ſucceſsful. He concludes with obſerving, that the Mithridatic war was the longeſt, the moſt dangerous, and attended with the greateſt variety of fortune, of any the Romans were ever engaged in; that of courſe it was the beſt ſchool of diſcipline for educating a young warrior, and furniſhed the faireſt theatre whereon to diſplay his military accompliſhments.

cano Senatus egiſſet, ut legatus fratri proficiſceretur, cum ipſe paulo ante Hannibale ex Italia expulſo, ex Africa ejecto, Carthagine oppreſſa, maximis periculis rempub. liberaviſſet, niſi illud grave bellum, & vehemens putaretur.

XV. Atqui, ſi diligenter, quid Mithridates potuerit, & quid effecerit, & qui vir fuerit, conſideraris; omnibus regibus, quibuſcum populus Rom. bellum geſſit, hunc regem nimirum antepones. Quem L. Sulla maximo & fortiſſimo exercitu, pugna excitatum, non rudis imperator, ut aliud nihil dicam, eum bello invectum totam in Aſiam, cum pace dimiſit: quem L. Muræna, pater hujuſce, vehementiſſime vigilantiſſimeque vexatum, repreſſum maxima ex parte, non oppreſſum reliquit: qui rex, ſibi aliquot annis ſumptis ad confirmandas rationes & copias belli, tantum ipſe opibus conatuque invaluit, ut ſe Oceanum cum Ponto, Sertorii copias cum ſuis conjuncturum putaret. Ad quod bellum duobus conſulibus ita miſſis, ut alter Mithridatem perſequeretur, alter Bithyniam tueretur; alterius res & terra & mari calamitoſæ, vehementer & opes regis & nomen auxerunt: L. Luculli vero res tantæ exſtiterunt, ut neque majus bellum commemorari poſſit, neque majore conſilio, & virtute geſtum. Nam cum totius impetus belli ad Cyzicenorum mœnia conſtitiſſet, eamque urbem ſibi Mithridates Aſiæ januam fore putaviſſet, qua effracta & revulſa, tota pateret provincia; perfecta ab Lucullo hæc ſunt omnia, ut urbs fideliſſimorum ſociorum defenderetur, & omnes copiæ regis diuturnitate obſidionis conſumerentur. Quid? illam pugnam navalem ad Tenedum, cùm contento curſu, acerrimis ducibus, hoſtium claſſis Italiam ſpe atque animis inflata, peteret; mediocri certamine, & parva dimicatione commiſſam arbitraris? Mitto prœlia: prætereo oppugnationes oppidorum; expulſus regno tandem aliquando, tantum tamen conſilio atque auctoritate valuit, ut ſe, rege Armeniorum adjuncto, novis opibus copiiſque renovarit.

XVI. Ac ſi mihi nunc de rebus geſtis eſſet noſtri exercitus imperatoriſque dicendum, plurima & maxima prœlia commemorare poſſem. Sed non id agimus: hoc dico; ſi bellum hoc, ſi hic hoſtis, ſi ille rex contemnendus fuiſſet; neque tanta cura Senatus & populus Rom. ſuſcipiendum putaſſet, neque tot annos geſſiſſet,

when he had ſo lately driven Hannibal out of Italy, forced him to abandon Africa, cruſhed the power of Carthage, and delivered the republick from the greateſt dangers, had not that been conſidered as a weighty and formidable war.

SECT. XV. And indeed, if you diligently weigh the power of Mithridates, his great actions, and the real character of the man, you will find reaſon to rank him above all the princes with whom the Roman people were ever at war. He was a prince, whom L. Sylla, who, to ſay the leaſt of him, was no raw commander, tho' at the head of a brave and numerous army, and ready to join battle, yet ſuffered to depart in peace from Aſia, which he had filled with all the calamities of war: a prince whom L. Murena, the father of him whom I now defend, after haraſſing him with indefatigable induſtry and vigour, and reducing him to the greateſt ſtraits, found it yet impoſſible wholly to ſubdue: a prince who, after taking ſome years to recruit his revenues and armies, recovered ſo much power and ſpirit, as to think of joining the ocean with the Pontic ſea, and the troops of Sertorius with his own. Two conſuls were ſent to this war, the one to attack Mithridates, the other to defend Bithynia. The latter miſcarrying both by land and ſea, rather added to the power and reputation of the king: but Lucullus ſignalized himſelf by ſo many great actions, that we meet with no war in hiſtory, either more important in itſelf, or managed with greater courage and conduct. For when the whole collected force of the war ſtood at the walls of Cizicum, and Mithridates regarding that city as the gate of Aſia, flattered himſelf that by deſtroying her bulwarks, he would lay the whole province open to his depredations; Lucullus took his meaſures ſo effectually, as both to defend this city of our faithful allies, and entirely conſume the king's army by the length of the ſiege. What? do you regard the naval fight at Tenedos as a ſlight and inconſiderable engagement, when the enemy's fleet, with full ſail, and under the fierceſt leaders, fluſhed with hope and expectation, was making for the coaſt of Italy? I forbear to ſpeak of battles, and the many ſieges that happened during the war. When at length he was driven from his kingdom, ſo powerful was his authority and addreſs, as by conciliating the king of Armenia to his cauſe, to re-eſtabliſh it by a new acceſſion of ſtrength and forces.

SECT. XVI. Was it my buſineſs to recount here the exploits of our army and general, I might give a detail of many very conſiderable engagements. But that is not the point at preſent. This however, I will take upon me to ſay; that if this war, this enemy, this monarch, had been deſpicable, the ſenate and people of Rome

geſſiſſet, neque tanta gloria L. Luculli, neque vero ejus belli conficiendi curam tanto ſtudio populus Romanus ad Cn. Pompeium detuliſſet: cujus ex omnibus pugnis, quæ ſunt innumerabiles, vel acerrima mihi videtur illa, quæ cum rege commiſſa eſt, & ſumma contentione pugnata. Qua ex pugna cùm ſe ille eripuiſſet, & Boſporum confugiſſet, quo exercitus adire non poſſet, etiam in extrema fortuna & fuga, nomen tamen retinuit regium. Itaque ipſe Pompeius, regno poſſeſſo, ex omnibus oris, ac notis ſedibus hoſte pulſo, tamen tantum in unius anima poſuit, ut, cùm omnia, quæ ille tenuerat, adierat, ſperaret, victoria poſſideret; tamen non ante, quàm illum vitâ expulit, bellum confectum judicarit. Hunc tu hoſtem, Cato, contemnis, quocum per tot annos, tot prœliis, tot imperatores bella geſſerunt? cujus expulſi & ejecti vita tanti æſtimata eſt, ut morte ejus nunciata, tum denique bellum confectum arbitraretur? Hoc igitur in bello L. Murænam legatum fortiſſimi animi, ſummi conſilii, maximi laboris cognitum eſſe defendimus: & hanc ejus operam non minus ad conſulatum adipiſcendum, quam hanc noſtram forenſem induſtriam dignitatis habuiſſe.

XVII. At enim in Præturæ petitione prior renuntiatus eſt Servius. Pergitiſne vos, tanquam ex ſyngrapha, agere cum populo, ut quem locum ſemel honoris cuipiam dederit, eundem reliquis honoribus debeat? Quod enim fretum, quem Euripum tot motus, tantas, tam varias habere putatis agitationes fluctuum, quantas perturbationes & quantos æſtus habet ratio comitiorum? Dies intermiſſus unus, aut nox interpoſita ſæpe perturbat omnia: & totam opinionem parva nonnunquam commutat aura rumoris. Sæpe etiam ſine ulla aperta cauſa fit aliud atque exiſtimamus, ut nonnunquam ita factum eſſe etiam populus admiretur; quaſi vero non ipſe fecerit. Nihil eſt incertius vulgo, nihil obſcurius voluntate hominum, nihil fallacius ratione tota comitiorum. Quis L. Philippum ſummo ingenio, opibus, gratia, nobilitate, à M. Herennio ſuperari poſſe arbitratus eſt? quis Q. Catulum humanitate, ſapientia, integritate antecellentem, à Cn. Manlio? quis M. Scaurum hominem graviſſimum, civem egregium, fortiſſimum Senatorem, à Q. Maximo?

would not have thought it neceſſary to uſe ſo much precaution in their preparations; never would the war have laſted ſo long; never could Lucullus have returned from it with ſo much glory; nor would the Romans have been ſo earneſt to entruſt the finiſhing of it to Cn. Pompey: of all whoſe innumerable battles, none ſeems to me to have been fiercer, than that ſo obſtinately diſputed with this king: who, finding means to eſcape with ſome troops, and taking refuge in Boſphorus, whither our army could not penetrate; ſupported, even in the loweſt ebb of flight and fortune, the name and reputation of a monarch. Accordingly Pompey, having taken poſſeſſion of his kingdom, and driven him from all his known haunts and territories, made yet ſo great account of the life of this one man, that though by his victory he became maſter of all that Mithridates held, laid claim to, or aſpired after, he nevertheleſs did not look upon the war as finiſhed, till he had driven Mithridates out of the world. And do you, Cato, deſpiſe an enemy, who for ſo many years, and in ſo many battles, has oppoſed ſo many of our generals? whoſe life, even in expulſion and exile, was ſo highly accounted of, that the war was never looked upon as finiſhed, till the news came of his death. It is in this war, I contend, that L. Murena, in the character of lieutenant-general, diſtinguiſhed himſelf by his undaunted courage, his conſummate prudence, and his indefatigable induſtry; nor do theſe qualities recommend him with leſs advantage to the conſulſhip, than does our practice at the bar and in the forum.

SECT. XVII. But Servius, I am told, was declared firſt, in the competition for the prætorſhip. Do you then exact from the people, as if in virtue of ſome contract, that becauſe they once gave the preference to a man in a point of honour, he has therefore a right to it on all ſucceeding occaſions. What ſea, what narrow ſtrait, is agitated with more fluctuations and changes, than are the toſſings and tumults of popular aſſemblies? One day intermitted, or one night, often throws all into confuſion; and the leaſt breath of rumour ſometimes entirely changes the inclinations of the people. Often without any apparent cauſe, the very reverſe of what we expected happens, inſomuch that even the people ſometimes wonder at the event, as if it did not wholly proceed from themſelves. Nothing is more unſtable than the multitude, nothing more impenetrable than the mind of man, nothing more fallacious than the iſſue of elections. Who could have imagined that L. Philippus, ſo eminent for his parts, application, intereſt, and birth, would have been baffled by M. Herennius? or, Q. Catulus, with his known character of humanity, wiſdom, and integrity, by Cn. Manlius? or M. Scaurus, ſo able a ſtateſman, ſo worthy a citizen, and ſo brave

a

mo? non modo horum nihil ita fore putatum eſt, ſed ne cum eſſet factum quidem, quare ita factum eſſet intelligi potuit. Nam ut tempeſtates ſæpe certo aliquo cœli ſigno commoventur, ſæpe improviſo nulla ex certa ratione, obſcura aliqua ex cauſa excitantur: ſic in hac comitiorum tempeſtate populari, ſæpe intelligas, quo ſigno commota ſit; ſæpe ita obſcura eſt, ut caſu excitata eſſe videatur.

XVIII. Sed tamen, ſi eſt reddenda ratio, (16.) duæ res vehementer in prætura deſideratæ ſunt, quæ ambæ in conſulatu tum Murenæ profuerunt: una, exſpectatio muneris, quæ & rumore nonnullo, & ſtudiis ſermonibuſque competitorum creverat: altera, quod ii, quos in provincia ac legatione, omnis & liberalitatis & virtutis ſuæ teſtes habuerat, nondum deceſſerant. Horum utrumque ei fortuna ad conſulatus petitionem reſervavit. Nam & L. Luculli exercitus, qui ad triumphum convenerat, idem comes L. Murænæ præſto fuit: & munus ampliſſimum, quod petitio prætoræ deſiderabat, prætura reſtituit. Num tibi hæc parva videntur adjumenta & ſubſidia conſulatus? voluntas militum? quæ cùm per ſe valet multitudine, tum apud ſuos gratia; tum verò in conſule declarando multum etiam apud univerſum populum Rom. auctoritatis habet ſuffragatio militaris: imperatores enim comitiis conſularibus, non verborum interpretes diliguntur. Quare gravis eſt illa oratio: Me ſaucium recreavit: me præda donavit: hoc duce caſtra cepimus, ſigna contulimus: nunquam iſte plus militi laboris impoſuit, quam ſibi ſumpſit ipſe; cùm fortis tum etiam felix. Hoc quanti putas eſſe ad famam hominum, ac voluntatem? etenim ſi tanta illis comitiis religio eſt, ut adhuc ſemper omen valuerit prærogativum; quid mirum eſt, in hoc felicitatis famam ſermonemque valuiſſe?

XIX.

NOTES.

(16.) *Duæ res vehementer in prætura deſideratæ ſunt, quæ ambæ in conſulatu tum Murenæ profuerunt.*] Two things were wanting to Muræna when he ſtood candidate for the prætorſhip, the abſence of which contributed not a little to render him leſs acceptable to the people than his competitor Sulpicius. Both theſe attended him in his ſuit for the conſulſhip, and enabled him in the end to triumph over his rival. One of theſe was the expectation of publick games, which had been fomented by various rumours, and the ſtudied inſinuations of his fellow-candidates. Murena had never been Ædile, and therefore had no opportunity of recommending himſelf to the favour of the people, by an exhibition of publick games. This was a great diſadvantage to him when he ſued for the prætorſhip; becauſe the other candidates having enjoyed that magiſtracy, and the means it furniſhed of becoming popular, failed not to boaſt of the zeal they had ſhewn to pleaſe the people, and encouraged the rumours againſt Muræna, whom they repreſented as one that had declined the office out of parſimony. His prætorſhip, however, reſtored this opportunity of acquiring popularity; becauſe it fell to his lot, as city prætor, to exhibit the games ſacred to Apollo, which he did in a moſt magnificent manner, and

a ſenator, by Q. Maximus. Theſe great men ſo little expected ſuch a repulſe, that when the affair was over, they could not comprehend how it had happened. For as tempeſts are often portended by certain appearances of the heaven, and often ariſe ſuddenly and unexpectedly from ſome obſcure cauſe: ſo in the ſtorms attending popular elections, you often can perceive whence they take their riſe; but often too the cauſe is ſo obſcure, that the whole ſeems the meer effect of chance.

SECT. XVIII. But if we muſt give a reaſon for it, two things were conſpicuouſly wanting in Murena's ſuit for the prætorſhip, which both contributed greatly to his being choſen conſul: one, the expectation of publick games, which was increaſed by certain reports, and the affected talk and diſcourſe of his rivals: the other, that they who had been witneſſes to his liberality and bravery while he ſerved as lieutenant in the province, were not yet returned from the province to Rome. Fortune reſerved both theſe advantages to give weight to his ſolicitation for the conſulſhip. For the army of Lucullus aſſembling at Rome, to attend that general's triumph, aſſiſted Murena in his applications; and in his prætorſhip he entertained the people with magnificent publick ſhews, which were wanting when he ſtood candidate for that dignity. Are theſe, think you, weak and feeble helps to a conſulſhip? to be ſupported by an army, powerful in the number of troops, and of conſiderable intereſt by its friends: beſides, that in the election of a conſul, the ſuffrages of the ſoldiers have always been of great authority with the whole body of the Roman people. For generals, and not interpreters of words, are the ſucceſsful candidates at a conſular election. Accordingly there is much weight in a ſpeech like this; *he relieved me when I was wounded*; *he enriched me with plunder*; *under his conduct we ſtormed the enemies camp, after having vanquiſhed them in battle*; *he impoſed no hardſhips on his ſoldiers, in which he did not ſhare himſelf*; *always brave, always ſucceſsful.* How prevalent muſt a diſcourſe of this kind be, to raiſe a man's reputation, and conciliate the good-will of the people? For if the voices of the prerogative century, are ſtill regarded with religious awe, ſo as to paſs for a favourable preſage; what reaſon is there to wonder, that the fame and diſcourſe of Murena's good fortune, prevailed for him on this occaſion.

SECT.

NOTES.

and thereby ſo effectually ingratiated himſelf with the people, that when he ſtood candidate for the conſulſhip, he found his intereſt greatly increaſed, and was even choſen in preference to Sulpicius.

XIX. Sed ſi hæc leviora ducis, quæ ſunt graviſſima, & hanc urbanam ſuffragationem militari anteponis; noli ludorum hujus elegantiam, & ſcenæ magnificentiam valde contemnere, quæ huic admodum profuerunt. Nam quid ego dicam populum ac vulgus imperitum ludis magnopere delectari? minùs eſt mirandum: quanquam huic cauſæ ſatis eſt; ſunt enim populi ac multitudinis comitia. Quare ſi populo ludorum magnificentia voluptati eſt, non eſt mirandum, eam L. Murænæ apud populum profuiſſe. Sed ſi noſmetipſi, qui & ab delectatione omni negotiis impedimur, & in ipſa occupatione delectationes alias multas habere poſſumus, ludis tamen oblectamur & ducimur; quid tu admirere de multitudine indocta? (17.) L. Otho, vir fortis, meus neceſſarius, equeſtri ordini reſtituit, non ſolum dignitatem, ſed etiam voluptatem; itaque lex hæc, quæ ad ludos pertinet, eſt omnium gratiſſima; quod honeſtiſſimo ordini cum ſplendore fructus quoque jucunditatis eſt reſtitutus. Quare delectant homines, mihi crede, ludi, etiam illos qui diſſimulant, non ſolum eos qui fatentur: quod ego in mea petitione ſenſi: nam nos quoque habuimus (18.) ſcenam competitricem. Quod ſi ego, qui trinos

NOTES.

(17.) *L. Otho, vir fortis.*] L. Roſcius Otho, tribune of the people, publiſhed a law, for the aſſignment of diſtinct ſeats in the theatres, to the equeſtrian order, who uſed before to ſit promiſcuouſly with the populace; but by this law, fourteen rows of benches, next to thoſe of the ſenators, were to be appropriated to their uſe; by which he ſecured to them, as Cicero ſays, both their dignity and their pleaſure. The ſenate obtained the ſame privilege of ſeparate ſeats about an hundred years before, in the conſulſhip of Scipio Africanus, which highly diſguſted the people, and gave occaſion, ſays Livy, as all innovations are apt to do, to much debate and cenſure: for many of the wiſer ſort condemned all ſuch diſtinctions in a free city, as dangerous to the public peace; and Scipio himſelf afterwards repented, and blamed himſelf for ſuffering it. Otho's law, we may imagine, gave ſtill greater offence, as it was a greater affront to the people, to be removed yet farther from what of all things they were fondeſt of, the ſight of plays and ſhews. It was carried however by the authority of the tribune, and is frequently referred to by the claſſic writers, as an act very memorable, and what made much noiſe in its time. Some time after, during the conſulſhip of Cicero, and while the grudge was ſtill freſh, Otho happening to come into the theatre, was received by the populace with an univerſal hiſs, but by the knights with loud applauſe and clapping: both ſides redoubled their clamour with great fierceneſs, and from reproaches were proceeding to blows; till Cicero, informed of the Tumult, came immediately to the theatre, and calling the people out into the temple of Bellona, ſo tamed and ſtung them by the power of his words, and made them ſo aſhamed of their folly and perverſeneſs, that on their return to the theatre they changed their hiſſes into applauſes, and vied with the knights themſelves in demonſtrations of their reſpect to Otho. The ſpeech was ſoon after publiſhed; though, from the nature of the thing, it muſt have been made upon the ſpot, and flowed *extempore* from the occaſion: and as it was much read and admired for ſeveral ages after, as a memorable inſtance of Cicero's command over mens paſſions, ſo ſome have imagined it to be alluded to in that beautiful paſſage of Virgil, where he repreſents Neptune appearing above the waves, and quieting the ſtorm that had diſperſed Æneas's fleet:

Ac veluti magno in populo cum ſæpe coorta eſt
Seditio, ſævitque animis ignobile vulgus;
Jamque faces et ſaxa volant furor arma miniſtrat:
Tum pietate gravem et meritis ſi forte virum
quem

Aſpexere,

SECT. XIX. But if you make light of theſe advantages, which yet are in reality of very great account, and prefer the ſuffrages of citizens to thoſe of ſoldiers; at leaſt let me adviſe you to ſuppreſs your contempt for the elegance of Murena's plays, and the magnificence of his ſcenes, which did him ſo much ſervice. For what need is there of putting you in mind, how much the people and unthinking vulgar are delighted with the publick ſhews. The fact is inconteſtable, and abundantly ſerves my preſent purpoſe; ſince, in aſſemblies for elections, the people and multitude are always predominant. If then the magnificence of publick ſpectacles gives ſuch content to the people, there is the leſs reaſon to wonder, that Murena thereby ſo effectually gained their favour. For if even we, whom buſineſs reſtrains from the purſuit of pleaſure, and who in the courſe of our engagements often find pleaſure enough, are yet ſometimes amuſed and diverted by the publick ſhews; why ſhould we be ſurprized at the thoughtleſs multitude? My brave friend, L. Otho, has reſtored to the equeſtrian order, not only their dignity, but likewiſe their pleaſure. Accordingly this law, relating to the publick ſpectacles, is of all others the moſt agreeable; becauſe it ſecures to a very honourable claſs of men, along with the ſplendor of their rank, the convenience alſo of their diverſions. Therefore, take my word for it, the publick games not only delight thoſe who confeſs, but thoſe too who affect to ſpeak of them with indifference: as I myſelf experienced in the courſe of my preferment, when it was my turn to engage in this conteſt of magnificence. But if I, who when ædile exhibited three ſolemn ſhews, was yet

NOTES.

Aſpexere, ſilent, arrectiſque auribus adſtant; Ille regit dictis animos, et pectora mulcet. Virg. Æn. I. 152.

As when ſedition fires th' ignoble crowd,
And the wild rabble ſtorms and thirſts for blood;
Of ſtones and brands a mingled tempeſt flies,
With all the ſudden arms that rage ſupplies,
If ſome grave ſire appears amidſt the ſtrife,
In morals ſtrict, and innocence of life,
All ſtand attentive, while the ſage controuls
Their wrath, and calms the tempeſt of their ſouls. Mr. PITT.

What gives the greater colour to this imagination is, that Quintilian applies theſe lines to his character of a compleat orator, which he profeſſedly forms upon the model of Cicero. The oration itſelf is now loſt; but it appears by Macrobius, that one topic which Cicero touched in this ſpeech, and indeed the only one of which we have any hint from antiquity, was to reproach the rioters for their want of taſte and good ſenſe, in making ſuch a diſturbance while Roſcius was acting.

(18.) *Scenam competitricem.*] Cicero here intimates, that when he ſtood candidate for the conſulſhip, he was oppoſed by ſeveral rivals, not a little formidable by the court they had paid to the people in the exhibition of plays and ſhews. Among the reſt Antony, who had been Cicero's collegue in the ædileſhip, is related to have exceeded all that went before him in magnificence, inſomuch that the very ſcenes were of ſolid ſilver. Cicero therefore had reaſon to fear, that the magnificence of Antony's ſhews would plead more powerfully for him, than all his labour and induſtry

trinos ludos ædilis feceram, tamen Antonii ludis commovebar; tibi, qui caſu nullos feceras, nihil hujus iſtam ipſam, quam irrides, argenteam ſcenam adverſatam putas? Sed hæc ſane ſint paria omnia: ſit par forenſis opera militari; ſit par militari ſuffragatio urbana: ſit idem, magnificentiſſimos, & nullos unquam feciſſe ludos: quid? in ipſa prætura nihilne exiſtimas inter tuam & iſtius ſortem interfuiſſe?

XX. Hujus ſors ea fuit, quam omnes tui neceſſarii tibi optabamus, (19.) juris dicundi: in qua gloriam conciliat magnitudo negotii, gratiam æquitatis largitio: qua in ſorte ſapiens Prætor, qualis hic fuit, offenſionem vitat æquabilitate decernendi, benevolentiam adjungit lenitate audiendi. Egregia & ad conſulatum apta provincia: in qua laus æquitatis, integritatis, facilitatis, ad extremum, ludorum voluptate concluditur. Quid tua ſors? triſtis, atrox, (20.) quæſtio peculatus; ex altera parte lacrymarum & ſqualoris, ex altera plena catenarum atque indicum: cogendi judices inviti, retinendi contra voluntatem: ſcriba damnatus, ordo totus alienus: Sullana gratificatio reprehenſa: multi viri fortes, & prope pars civitatis offenſa eſt: lites ſevere æſtimatæ: cui placet, obliviſcitur:

NOTES.

induſtry in protecting the lives and fortunes of his fellow-citizens. And in fact we find, that though our orator's intereſt was ſuperior, (for he was proclaimed the firſt conſul by the voices of all the centuries) yet Antony was the next to him in popularity, and obtained jointly with him the conſulſhip, in preference to all the other candidates. It appeared remarkably upon this occaſion how dear Cicero was to the Roman people. The method of chuſing conſuls was not by an open vote, but by a kind of ballot, or little tickets of wood, diſtributed to the citizens with the names of the candidates ſeverally inſcribed upon each: but in Cicero's caſe, the people were not contented with this ſecret and ſilent way of teſtifying their inclinations; but before they came to any ſcrutiny, loudly and univerſally proclaimed Cicero the firſt conſul; ſo that, as he himſelf declared in his ſpeech to them after his election, he was not choſen by the votes of particular citizens, but the common ſuffrage of the city; nor declared by the voice of the crier, but of the whole Roman people. He was the only *new man* who had obtained this ſovereign dignity, or, as he expreſſes it, had forced the entrenchments of the nobility for forty years paſt, from the firſt conſulſhip of C. Marius; and the only one likewiſe who had ever obtained it in his proper year, or without a repulſe; for the nobles themſelves, though always envious and deſirous to depreſs him, yet out of regard to the dangers which threatened the city from many quarters, and ſeemed ready to burſt out into a flame, began to think him the only man qualified to preſerve the republick, and break the cabals of the deſperate, by the vigour and prudence of his adminiſtration: for in caſes of danger, as Saluſt obſerves, pride and envy naturally ſubſide, and yield the poſt of honour to virtue.

(19.) *Juris dicundi.*] The prætors at Rome had different provinces aſſigned them; ſome being appointed to take cognizance of private, others of publick cauſes; ſome to determine in civil, others in criminal matters. The *prætor urbanus*, (and, as Lipſius thinks, the *prætor peregrinus*,) preſided in private cauſes, and the other prætors in queſtions relating to crimes. The latter therefore were ſometimes called *quæſitores*; *quia quærebant de crimine*; the firſt barely *jus dicebat*. This was the lot of Murena, who was therefore city prætor, a grateful magiſtracy, and peculiarly honourable at Rome; he who was inveſted with it being diſtinguiſhed by the title of *prætor honoratus*. Here we muſt take notice of the difference between

alarmed by the ſplendor of the games given by Antonius; can you, who chanced to exhibit none, imagine that this ſilver ſcenery of Murena, which you ſo much ridicule, was of no prejudice to your cauſe? But let us ſuppoſe all theſe points in diſpute between you equal: that the accompliſhments of the forum have no leſs merit than thoſe of the field: that the intereſt of the city voters is as great as that of the army: that there is no difference between exhibiting the moſt magnificent ſhews, and no ſhews at all: yet do you imagine, that in the exerciſe of the prætorſhip, there was no pre-eminence in his allotment over yours?

SECT. XX. His allotment was that of deciding cauſes, which all of us, your friends, wiſhed to have been yours: an allotment in which the importance of the charge conciliates glory, and the diſtribution of juſtice popularity; an allotment in which a wiſe prætor, like Murena, avoids offence by the equity of his deciſions, and cultivates the good-will of the people by the lenity of his behaviour. A noble province, admirably calculated to ſmooth his way to the conſulſhip, and in which the praiſe of his equity, probity, and affability, was crowned by the engaging exhibition of publick ſhews. But what was your allotment? a ſad and ſavage enquiry into corruption; on the one ſide filled with tears and naſtineſs; on the other, with chains and evidences. Judges forced to ſit on publick trials, and detained againſt their inclination: a ſcribe condemned, and the whole order alienated: the bounties of Sylla reverſed; many brave men, and almoſt half the city diſobliged: damages eſtimated with rigour: they that are pleaſed, forget; they that

NOTES.

between *jus dicere*, and *judicare*; the former relates to the prætor, and ſignifies no more than the allowing an action, and granting judges for determining the controverſy; the other is the proper office of the judges allowed by the prætor, and denotes the actual hearing and deciding of a cauſe.

(20.) *Quæſtio peculatus.*] The inquiſition of criminal matters belonged at firſt to the kings, and after the abrogation of their government, for ſome time, to the conſuls: but being taken from them by the Valerian law, it was conferred, as occaſions happened, upon officers deputed by the people, with the title of *quæſitores parricidii*. But about the year of the city ſix hundred and four, the power was made perpetual, and appropriated to the prætors, by virtue of an order of the people at their annual election; the inquiſition of ſuch and ſuch crimes being committed to ſuch and ſuch prætors. Theſe crimes were ſuch actions as tended either mediately, or immediately, to the prejudice of the ſtate, and were forbid by the laws. As if any perſon had derogated from the honour and majeſty of the commonwealth; had embezzled and put to ill uſes the publick money, or any treaſure conſecrated to religion; or had corrupted the people's votes in an election; or had exerted contributions from the allies; or received money in any judgment; or had uſed any violent compulſion to a member of the commonwealth. Theſe were termed *crimina majeſtatis, peculatus, ambitionis, repetundarum*, and *vis publica*. The allotment of Sulpicius was the queſtion relating to publick money, which Cicero calls a diſagreeable and hateful office, becauſe the prætor was ſometimes neceſſitated to paſs very ſevere judgments, which involved whole families in ſorrow and ruin.

obliviſcitur: cui dolet, meminit. Poſtremo tu in provinciam ire noluiſti; non poſſum id in te reprehendere, quod in me ipſo & Prætor & Conſul probavi; ſed tamen L. Murænæ provincia multas bonas gratias cum optima exiſtimatione attulit: habuit proficiſcens delectum in Umbria: dedit ei facultatem reſpub. liberalitatis; qua uſus, multas ſibi tribus, quæ municipiis Umbriæ conficiuntur, adjunxit; ipſe autem in Gallia, ut noſtri homines deſperatas jam pecunias exigerent, æquitate diligentiaque perfecit. Tu interea Romæ ſcilicet amicis præſto fuiſti; fateor: ſed tamen illud cogita, nonnullorum amicorum ſtudia minui ſolere in eos, à quibus provincias contemni intelligant.

XXI. Et quoniam oſtendi, Judices, parem dignitatem ad conſulatus petitionem, diſparem fortunam provincialium negotiorum in Muræna, atque in Sulpicio fuiſſe; dicam jam apertius, in quo meus neceſſarius fuerit inferior Servius: & ea dicam, vobis audientibus, amiſſo jam tempore, quæ ipſi ſoli, re integra, ſæpe dixi. Petere conſulatum neſcire te, Servi, perſæpe dixi: & in iis rebus ipſis, quas te magno & forti animo, & agere, & dicere videbam, tibi ſolitus ſum dicere, magis te fortem Senatorem mihi videri, quàm ſapientem candidatum. Primùm (21.) accuſandi terrores & minæ quibus tu quotidie uti ſolebas, ſunt fortis viri; ſed & populi opinionem à ſpe adipiſcendi avertunt, & amicorum ſtudia debilitant; neſcio quo pacto ſemper hoc fit: neque in uno, aut altero animadverſum eſt, ſed jam in pluribus: ſimulatque candidatus accuſationem meditari viſus eſt, ut honorem deſperaſſe videatur. Quid ergo? acceptam injuriam perſequi non placet? immo vehementer placet: ſed aliud tempus eſt petendi, aliud perſequendi; petitorem ego, præſertim conſulatus, magna ſpe, magno animo, magnis copiis in forum & in campum deduci volo; non placet mihi inquiſitio candidati, prænuntia repulſæ: non teſtium potius, quam ſuffragatorum comparatio: non minæ magis, quam blanditiæ: non declamatio potius, quam perſalutatio: præſertim cùm jam hoc novo more omnes fere domos omnium concurſent, & ex vultu candidatorum conjecturam faciant, quantum quiſque animi & facultatis habere videatur. Videſne tu illum triſtem, demiſſum? jacet, diffidit, abjecit haſtas.

NOTES.

(21.) *Accuſandi terrores & Minæ.*] Cicero here accuſes Sulpicius of want of prudence in his manner of ſuing for the conſulſhip. For by deſpairing too haſtily of ſucceſs, and threatening his competitors with a proſecution, he cooled the zeal of his friends, who began to think his cauſe in a declining way. For when a candidate has recourſe to threats, it is a ſure ſign he has little proſpect of ſucceeding in the way of ſolicitation; and the people, unwilling to throw away their votes, chuſe rather to attach themſelves to a more fortunate competitor.

that are hurt remember. Laſt of all, you refuſed to go to your province. I cannot blame you for a conduct, which I followed myſelf, both when prætor and conſul: but neither ought I to omit, that Murena gained many friends, and much reputation in his province. In his journey thither, he made a levy in Umbria, where the republick gave him an opportunity of diſplaying his liberality; of which he made ſo good an uſe, as to engage in his intereſt a great many tribes, which are compoſed out of the corporations of Umbria. When he arrived in perſon in Gaul, ſuch was his equity and application, that he enabled our collectors to recover a great many deſperate debts. You, meanwhile, I am ready to allow, was employed in the ſervice of your friends at Rome: but ſuffer me to put you in mind, that there are ſome friends very apt to cool in their regard towards thoſe, by whom they ſee provinces deſpiſed.

SECT. XXI. And now, my Lords, that I have ſhewn Sulpicius and Murena to have been alike in point of dignity, as candidates for the conſulſhip, but unlike in the deſtination of their provincial concerns: I ſhall declare more plainly in what my friend Servius was inferior to the other; and repeat that in your hearing, now the affair is over, which I often told himſelf in private, while the election was depending. I was frequently then wont to tell you, Servius, that you knew not how to make application for the conſulſhip: and even in thoſe very points, in which I beheld you act and ſpeak with courage and magnanimity, I yet failed not to intimate, that in my opinion, you made rather a brave ſenator, than a wiſe candidate. Firſt, the terrors and threats of an impeachment, of which you was every day ſo laviſh, ſufficiently proclaim the man of ſpirit: but then they alſo abate among the people the hopes of a candidate's ſucceſs, and weaken the zeal of his friends. I know not how, yet is this always the caſe: nor is it found to hold in one or two inſtances only, but in many, that as ſoon as a candidate diſcovers an inclination to impeach, he is thought to deſpair of the honour to which he aſpires. But how? would you have me lay aſide all reſentment of injuries? Far from it: but there is a time for ſoliciting, and a time for proſecuting. I would have a candidate, eſpecially for the conſulſhip, to appear in the forum, and in the field of Mars, with great hopes, a great ſpirit, and a great party. It looks not well when he is prying after matter for an impeachment; when he is procuring witneſſes, inſtead of votes; when he is threatening, inſtead of flattering; when he is making declamations, inſtead of paying compliments: eſpecially as it is now become a cuſtom for candidates to go the round of all the electors, who from their air and countenance, form a judgment of their hopes and intereſt. Did you obſerve how ſad and diſpirited he

haſtas. Serpit hic rumor: ſcis tu illam accuſationem cogitare? inquirere in competitores? teſtes quærere? alium faciam, quoniam ſibi hic ipſe deſperat. Ejuſmodi candidatorum amici intimi debilitantur, ſtudia deponunt, aut teſtatam rem abjiciunt, aut ſuam operam & gratiam judicio & accuſationi reſervant.

XXII. Accedit eodem, ut etiam ipſe candidatus totum animum atque omnem curam, operam diligentiamque ſuam in petitione non poſſit ponere. Adjungitur enim accuſationis cogitatio, non parva res, ſed nimirum omnium maxima. Magnum eſt enim te comparare ea, quibus poſſit hominem è civitate, præſertim non inopem, neque infirmum, exturbare: qui & per ſe, & per ſuos, & vero etiam per alienos defendatur; omnes enim ad pericula propulſanda concurrimus: & qui non aperte inimici ſumus, etiam alieniſſimis, in capitis periculis, amiciſſimorum officia & ſtudia præſtamus. Quare ego expertus & petendi, & defendendi, & accuſandi moleſtiam, ſic intellexi; in petendo ſtudium eſſe acerrimum, in defendendo officium, in accuſando laborem. Itaque ſic ſtatuo, fieri nullo modo poſſe, ut idem accuſationem, & petitionem conſulatus diligenter adornet atque inſtruat; unum ſuſtinere pauci poſſunt, utrumque nemo. Tu cum te de curriculo petitionis deflexiſſes, animumque ad accuſandum tranſtuliſſes, exiſtimaſti te utrique negotio ſatisfacere poſſe? vehementer erraſti; quis enim dies fuit, poſteaquam in iſtam accuſandi denuntiationem ingreſſus es, quem tu non totum in iſta ratione conſumpſeris?

XXIII. Legem ambitus flagitaſti, quæ tibi non deerat; erat enim ſeveriſſime (22.) ſcripta Calpurnia; geſtus eſt mos & voluntati & dignitati tuæ. Sed tota illa lex accuſationem tuam, ſi haberes nocentem reum, fortaſſe armaſſet: petitioni vero refragata eſt; pœna gravior in plebem tua voce efflagitata eſt: commoti animi tenuiorum; exſilium in noſtrum ordinem: conceſſit Senatus poſtulationi tuæ;

NOTES.

(22.) *Scripta Calpurnia.*] C. Calpurnius Piſo, who was conſul the ſame year with M. Glabrio, paſſed a law againſt bribery and corruption, by which the criminal was excluded from all publick honours, and condemned in a certain fine. But this law appearing too mild to Sulpicius, he got another paſſed during Cicero's conſulſhip, by which it was enacted, that thoſe who ſold their Votes ſhould be ſubject to a mulct, and that a candidate convicted of bribery ſhould be baniſhed for ten years. It likewiſe took away all pretences of abſence on account of illneſs, that the party impeached might not thereby have an opportunity of protracting or evading his trial. Some explain this laſt article of the people in general, who they ſay were obliged to attend and give their votes at the election of conſuls, under pain of a fine.

he looked? why he is quite abaſhed, he deſponds, he gives up the cauſe. Inſtantly the rumor creeps round; What! don't you know that he is meditating an impeachment? that he is prying into the conduct of his competitors? that he is ſearching after witneſſes? I'll give my intereſt to another; for this man evidently deſpairs of ſucceſs. The neareſt friends of ſuch candidates are immediately damped: they loſe all their zeal; and either wholly give up a cauſe which they look upon as deſperate, or reſerve all their influence for the judgment and accuſation that is to enſue.

SECT. XXII. To this we may add, that the candidate himſelf cannot employ his whole ſpirit, care, attention, and application, towards the promoting his ſolicitation: for his mind runs likewiſe upon the impeachment, which far from being a ſlight affair, is perhaps the moſt important of all others. It is no eaſy matter to furniſh yourſelf properly for driving a man of wealth and intereſt out of the city; one, who by himſelf, by his friends, nay, and even by ſtrangers, is amply provided with all the means of defence. For we are all very ready to lend our aſſiſtance in repelling danger; and where no declared enmity ſubſiſts, find ourſelves prompted to perform the higheſt offices of friendſhip to the meereſt ſtrangers, when threatened with a capital indictment. Accordingly having learnt from experience the ſolicitude attending the function of a candidate, a defender, and an accuſer, I find it to be this: that in a candidate there is required an aſſiduous court, in a defender an anxious zeal, and in an accuſer an unremitting induſtry. I therefore take upon me to aſſert, that it is impoſſible for the ſame man to acquit himſelf with ability and addreſs, as a candidate for the conſulſhip, and the manager of an impeachment. Few people can ſupport any one of theſe characters with dignity, but no man both. When you, Servius, quitted the track of a candidate, and turned your thoughts to the buſineſs of accuſing, did you flatter yourſelf with being equal to both duties? It was a great miſtake if you did: for from the time that you profeſſed yourſelf an accuſer, ſay if ſo much as a ſingle day paſſed, that was not wholly ingroſſed by the concerns of that office.

SECT. XXIII. You urged the publick for a law againſt bribery and corruption, for which there ſeemed to be but little occaſion, as the Calpurnian law was already very rigorous and ſevere. However, a proper regard was ſhewn to your requeſt and dignity. But that whole law, which perhaps would have ſtrengthened your accuſation, had the impeached been guilty, was rather prejudicial to your demand of the conſulſhip. A heavier penalty was extorted againſt the people. The poorer ſort were alarmed. Exile was denounced

tuæ; ſed non libenter duriorem fortunæ communi conditionem, te auctore, conſtituit. Morbi excuſationi pœna addita eſt: voluntas offenſa multorum, quibus aut contra valetudinis commodum laborandum eſt, aut incommodo morbi etiam cæteri vitæ fructus relinquendi; quid ergo? hæc quis tulit? is qui auctoritati Senatus, voluntati tuæ paruit: denique is tulit, cui minime proderant. Quid? illa, quæ mea ſumma voluntate Senatus frequens repudiavit, mediocriter adverſata tibi eſſe exiſtimas? (23.) confuſionem ſuffragiorum flagitaſti, propagationem legis Maniliæ, æquationem gratiæ, dignitatis, ſuffragiorum. Graviter homines honeſti, atque in ſuis civitatibus & municipiis gratioſi tulerunt, à tali viro eſſe pugnatum, ut omnes & dignitatis & gratiæ gradus tollerentur. Idem edititios judices eſſe voluiſti, ut odia occulta civium, quæ tacitis nunc diſcordiis continentur, in fortunas optimi cujuſque erumperent. Hæc omnia tibi accuſandi viam muniebant, adipiſcendi obſepiebant. Atque ex omnibus illa plaga eſt injecta petitioni tuæ, non tacente me, maxima: de qua ab homine ingenioſiſſimo & copioſiſſimo, Hortenſio, multa graviſſime dicta ſunt: quo etiam mihi durior locus eſt dicendi datus: ut cum ante me & ille dixiſſet, & vir ſumma dignitate & diligentia, & facultate dicendi, M. Craſſus, ego in extremo non partem aliquam agerem cauſæ, ſed de tota re dicerem, quod mihi videretur. Itaque in iiſdem rebus fere verſor, &, quod poſſum, Judices, occurro veſtræ ſatietati.

XXIV. Sed tamen, Servi, quam te ſecurim putas injeciſſe petitioni tuæ, cum tu populum Romanum in eum metum adduxiſti, ut pertimeſceret, ne conſul Catilina fieret, dum tu accuſationem comparares, depoſita atque abjecta petitione? Etenim te inquirere videbant triſtem ipſum: mœſtos amicos, obſervationes, teſtificationes, ſeductiones teſtium, ſeceſſionem ſubſcriptorum animadvertebant: quibus rebus certe ipſe candidatorum vultus obſcuriores videri ſolent: Catilinam interea alacrem atque lætum, ſtipatum choro juventutis, vallatum indicibus atque ſicariis, inflatum cum ſpe militum, tum collegæ mei, quemadmodum dicebat ipſe, promiſſis, circumfluente colonorum Aretinorum & Feſulanorum exercitu; quam turbam

NOTES.

(23.) *Confuſionem ſuffragiorum flagitaſti.*] I have alrea y taken notice of the great advantage which the diſtribution of the people into centuries gave to men of property in Rome: an alteration of the manner of voting ſeems to be what Cicero here ſpeaks of, and that Sulpicius ſolicited a law, that the votes of all the centuries ſhould be gathered indiſcriminately, ſo that the candidate ſhould not know which century was for, or which againſt him. It would ſeem as if there had been a law of one Manilius to this purpoſe, and that was abrogated, but now reſtored by Sulpicius.

nounced againſt our order. The ſenate, indeed, yielded to your requeſt: but it was not without reluctance, that in conſequence of your importunity, they were brought to impoſe rigorous penalties upon thoſe of a middling fortune. A puniſhment was annexed to all excuſes of illneſs. This offended many, who were either obliged to abandon the conſideration of their health, or for its ſake relinquiſh all the other advantages of life. But let me aſk you, who propoſed theſe laws? the man who was moved thereto by the authority of the ſenate, and your entreaties: in ſhort, the man who had no expectation of advantage from them. Do you imagine that that propoſal of yours, which the ſenate in a full houſe rejected to my entire ſatisfaction, was not conſiderably prejudicial to your cauſe? You ſtrove to introduce a confuſion of votes, a ſuſpenſion of the Manilian law, and to level all diſtinctions of intereſt, power, and dignity. Many perſons of worth, and eminently conſiderable in their own cities and corporations, were much diſpleaſed that a man of your character ſhould aim at aboliſhing all degrees of honour and merit. You was likewiſe for impowering the proſecutor to nominate judges; by which the ſecret animoſities of citizens, which are now confined within the bounds of ſilent diſlike, would have broke out againſt the fortunes of every worthy patriot. All theſe regulations cleared the way to your impeachment, but obſtructed your ſucceſs as a candidate; and gave that mortal blow to your pretenſions, which I was not wanting to warn you of. But the ingenious and eloquent Hortenſius has already ſpoke fully and ſolidly to this point; inſomuch that the province aſſigned me is the more difficult, becauſe coming after him, and M. Craſſus, a man of the greateſt dignity, application, and eloquence, I am obliged, as laſt ſpeaker, not to confine myſelf to any particular part of the charge, but to give my opinion of the whole matter. Thus am I obliged to run over almoſt the ſame heads, and in ſome meaſure, my Lords, anticipate your judgment.

SECT. XXIV. But what a mortal ſtab, Servius, did you give to your pretenſions, when you raiſed that terror among the people of Catiline's being choſen conſul, by dropping your ſolicitation, and buſying yourſelf about the impeachment. For they beheld you, with a diſconſolate air, collecting informations: they ſaw the dejected looks of your friends, their prying, their affidavits, their cloſeting witneſſes, their caballing with ſolicitors: all which are apt to throw a gloom over the countenance of a candidate. Meanwhile they obſerved Catiline gay and chearful, ſurrounded with a crowd of young men, encompaſſed by informers and aſſaſſins, flushed with his hopes in the ſoldiery, and, as he pretended, with the promiſes of my collegue, while a whole army of ruſticks from

turbam (24.) diſſimillimo ex genere, diſtinguebant homines perculſi Sullani temporis calamitate. Vultus erat ipſius plenus furoris, oculi ſceleris, ſermo arrogantiæ, ſic ut ei jam exploratus, & domi conditus conſulatus videretur. Murænam contemnebat: Sulpicium accuſatorem ſuum numerabat, non competitorem: ei vim denuntiabat; reipublicæ minabatur.

XXV. Quibus rebus, qui timor bonis omnibus injectus ſit, quantaque deſperatio reipublicæ, ſi ille factus eſſet, nolite à me commoneri velle: voſmetipſi vobiſcum recordamini; (25.) meminiſtis enim cum illius nefarii gladiatoris voces percrebuiſſent, quas habuiſſe in concione domeſtica dicebatur, cum miſerorum fidelem defenſorem negaſſet inveniri poſſe, niſi eum qui ipſe miſer eſſet: integrorum & fortunatorum promiſſis ſaucios & miſeros credere non oportere: quare qui conſumpta replere, erepta recuperare vellent, ſpectarent quid ipſe deberet, quid poſſideret, quid auderet: minime timidum, & valde calamitoſum eſſe oportere eum, qui eſſet futurus dux & ſignifer calamitoſorum. Tum igitur, his rebus auditis, meminiſtis fieri ſenatuſconſultum, referente me, ne poſtero die comitia haberentur, ut de his rebus in Senatu agere poſſemus. Itaque poſtridie frequenti Senatu Catilinam excitavi, atque eum de his rebus juſſi, ſi quid vellet, quæ ad me allatæ eſſent, dicere. (26.) Atqui ille, ut ſemper fuit apertiſſimus, non ſe purgavit, ſed indicavit, atque induit. Tum enim dixit, duo corpora eſſe reip. unum debile, infirmo capite; alterum firmum ſine capite: huic, cum ita de ſe meritum eſſet, caput, ſe vivo, non defuturum. Congemuit Senatus frequens, neque tamen ſatis ſevere pro rei indignitate decrevit. Nam partim ideo fortes in decernendo non erant, quia nihil timebant, partim

NOTES.

(24.) *Diſſimillimo ex genere.*] The diſſimilitude conſiſted chiefly in this, that the people of *Feſulæ* and *Arretium* had been enriched by the ſpoils of the civil war, conferred upon them by Sylla, theſe being colonies of the dictator's own planting. Others again had been diveſted of their eſtates and fortunes by Sylla, to ſatisfy the cravings of his veterans, to whom he had promiſed an allotment of lands. Theſe too, in a view of recovering the poſſeſſions they had been ſo unjuſtly deprived of, eagerly joined in the party of Catiline.

(25.) *Meminiſtis enim.*] It is ſurpriſing that this quotation, which our very candid diſintereſted author gives us from Catiline's ſpeech, is not to be found in Salluſt. I will make no other remark upon it, than that the language he uſes here was very natural to a man in Catiline's circumſtances: and if the ſenate and nobles had at that time inſolently uſurped upon the liberties, and engroſſed the properties of their fellow-citizens, very fair and plauſible.

(26.) *Atqui ille,* &c.] We learn from Plutarch that Cicero, on the very day of the Comitia, informed the ſenate of what he had heard relating to Catiline's deſigns, and challenged the conſpirator himſelf to anſwer to the charge he brought againſt him. Upon which Catiline, believing there were many in the ſenate who wiſhed well to the conſpiracy, inſtead of endeavouring to diſguiſe his treaſon, openly ſaid: *Quid pecco, ſi duorum corporum, quorum alterum caput habeat, ſed ægrum & pertinax; alterum ſine capite, ſed validum & præpotens: huic me caput adjicio?* By the firſt body, he meant the ſe-

nate,

Aretium and Feſulæ were ſwarming round him: a motley crowd, and rendered the more conſpicuous, by the contraſt of thoſe who had ſuffered by the proſcriptions of Sylla. The countenance of Catiline himſelf was full of fury, his eyes of guilt, and his ſpeech of arrogance; inſomuch that he ſeemed already ſecure, nay, in actual poſſeſſion of the conſulſhip. He deſpiſed Murena: he regarded Sulpicius, not as his competitor, but his accuſer: he denounced vengeance againſt him; and threatened his country with ruin.

SECT. XXV. Do not expect that I ſhould put you in mind of the dread which this occaſioned among all good men, and how deſperate the condition of the republick would have been, had he ſucceeded in his demand of the conſulſhip. Your own memory will help you to this reflection. For doubtleſs you have not forgot the words which that infamous gladiator was univerſally known to have uſed in a meeting at his own houſe, when he affirmed, that the wretched could no where hope to find a faithful and able defender, but in one wretched like themſelves: that citizens oppreſſed with calamities and diſtreſſes, ought never to truſt to the promiſes of the proſperous and happy: that therefore ſuch as were willing to repair their exhauſted fortunes, and recover what had been taken from them, need only to conſider how much he was involved, how little he poſſeſſed, and what he dared to do: that the man who aimed at being a leader and protector of the unfortunate, ought indeed to be very miſerable, but quite void of fear. When the report of this ſpeech became publick, you may remember, that upon my propoſing the affair to the conſideration of the ſenate, they thought proper to defer the aſſembly for the election of conſuls, that they might have time to deliberate on an affair of ſo great importance. Accordingly the next day, in a full houſe, I called upon Catiline, and commanded him to clear himſelf, if he could, as to thoſe facts of which I had been informed. But he, who was always very open in theſe matters, without attempting to palliate his behaviour, rather owned and juſtified the charge. He told us, that there were two bodies in the republick; the one of them infirm, with a weak head, the other firm without a head; which laſt had ſo well deſerved of him, that it ſhould never want a head while he lived. The whole body of the ſenate was heard to groan; yet were their decrees no ways anſwerable in ſeverity to the indignity of the inſult: for many acted remiſsly becauſe they thought there was no danger, and others were held in awe by their fears. He then broke out of the ſenate with

NOTES.

nate, of which Cicero, as conſul, was the head. By the ſecond, the people, of which he now declared himſelf ready to become the head.

partim quia timebant. Tum erupit e Senatu triumphans gaudio, quem omnino vivum illinc exire non oportuerat: præſertim cum idem ille in eodem ordine paucis diebus ante, Catoni, fortiſſimo viro, judicium minitanti, ac denuntianti reſpondiſſet, ſi quod eſſet in ſuas fortunas incendium excitatum, in ſe non aqua, ſed ruina reſtincturum.

XXVI. His tum rebus commotus, & quod homines jam tum conjuratos cum gladiis in campum deduci à Catilina ſciebam, (27.) deſcendi in campum cum firmiſſimo præſidio fortiſſimorum virorum, & cum illa lata inſignique lorica, non quæ me tegeret (etenim ſciebam Catilinam non latus, aut ventrem, ſed caput & collum, ſolere petere) verum ut omnes boni animadverterent, & cum in metu & periculo conſulem viderent, id quod eſt factum, ad opem præſidiumque meum concurrerent. Itaque cum te, Servi, remiſſiorem in petendo putarent, Catilinam & ſpe, & cupiditate inflammatum viderent, omnes qui illam ab repub. peſtem depellere cupiebant, ad Murænam ſe ſtatim contulerunt. Magna eſt autem comitiis conſularibus repentina voluntatum inclinatio; præſertim cum incubuit ad virum bonum, & multis aliis adjumentis petitionis ornatum. Qui cum honeſtiſſimo patre atque majoribus, modeſtiſſima adoleſcentia, clariſſima legatione, prætura probata in jure, grata in munere, ornata in provincia, petiſſet diligenter, & ita petiſſet, ut neque minanti cederet, neque cuiquam minaretur; huic mirandum eſt, magno adjumento Catilinæ ſubitam ſpem conſulatûs adipiſcendi fuiſſe? Nunc mihi tertius ille locus eſt orationis de ambitus criminibus, perpurgatus ab iis qui ante me dixerunt, à me, quoniam ita Muræna voluit, retractandus. Quo in loco, Poſthumio familiari meo, ornatiſſimo viro, de diviſorum indiciis, & de deprehenſis pecuniis: adoleſcenti ingenioſo & bono, Ser. Sulpicio, de (28.) equitum centuriis: M. Catoni, homini in omni virtute excellenti, de ipſius accuſatione, de ſenatuſconſulto, de repub. reſpondebo.

XXVII.

NOTES.

(27.) *Deſcendi in campum.*] As Cicero, from the many daring declarations of Catiline, had reaſon to ſuſpect ſome violence was intended to his perſon, he thought fit to appear in the field of Mars, attended by a band of young noblemen; and that he might imprint a ſenſe of his own, and of the publick danger the more ſtrongly, he took care to throw back his gown in the view of the people, and diſcovered a ſhining breaſt-plate, which he wore under it: by which precaution, as he told Catiline afterwards to his face, he prevented his deſign of killing both him and the competitors for the conſulſhip, of whom D. Junius Silanus, and L. Licinius Murena were declared conſuls elect.

(28.) *Equitum centuriis.*] Sulpicius pretended that the centuries of Roman knights had been corrupted by Murena, whoſe ſon-in-law Natta had, it ſeems, invited them to an entertainment. Here we are to obſerve, that Servius Tullius having divided the whole Roman people into ſix claſſes, and theſe claſſes into an hundred and ninety-three centuries, ranked the knights in the firſt claſs, of which they compoſed eighteen centuries.

with a triumphant joy, though he ought never to have been ſuffered to depart from it alive; eſpecially as he had declared a few days before in the ſame houſe, upon the brave Cato's threatening him with an impeachment, that if any flame ſhould be excited in his fortunes, he would extinguiſh it, not with water, but a general ruin.

SECT. XXVI. Startled by theſe declarations, and becauſe I knew that Catiline was to bring a body of armed conſpirators into the field of Mars, I likewiſe repaired thither with a ſtrong guard of brave citizens, and that broad ſhining breaſt-plate, which was not ſo properly intended for defence, (for Catiline, I knew, was not accuſtomed to aim at the ſide, or the belly, but at the head and the neck) as to rouze the attention of the honeſt and worthy, that when they ſaw their conſul in fear and danger, they might fly to his protection and aſſiſtance, as accordingly happened. Therefore, Servius, when the publick ſaw you abate in the keenneſs of your ſolicitations, while Catiline appeared enflamed with eagerneſs and hope, all who wiſhed to repel that plague from the republick, immediately declared for Murena. This ſudden turn of the inclinations of the people at conſular elections is very ſtrong, eſpecially where it leans towards a worthy citizen, whoſe ſuit is backed with many other powerful recommendations. For when a candidate, diſtinguiſhed by the merit of his father and anceſtors, by his modeſt behaviour in his youth, by the fame he acquired as lieutenant-general, by a prætorſhip illuſtrious in the exerciſe of juſtice, grateful in its functions, and crowned with unſpotted reputation in provincial command, petitioned earneſtly for the conſulſhip, and in ſuch a manner, as to be daunted by no menaces himſelf, and to be above uſing menaces to others; ought we to be ſurprized, if the ſudden hope Catiline conceived of obtaining the conſulſhip, diſpoſed the people to unite immediately in ſuch a man's favour. But now the third head of accuſation, relating to the crime of bribery, which has been already ſo fully cleared up by the gentlemen who ſpoke before me, muſt again be touched upon, in compliance with Murena's deſire. And here I ſhall take occaſion to anſwer what has been ſaid by my accompliſhed friend Poſthumius, touching an intended diſtribution of money among the people, and the ſeizure of it in the hands of thoſe with whom it was depoſited, by the ingenious and worthy Servius Sulpicius, with regard to the centuries of Roman knights; and by M. Cato, a man adorned with every virtue, in relation to his own accuſation, the decree of the ſenate, and the condition of the republick.

SECT.

XXVII. Sed pauca, quæ meum animum repente moverunt, prius de L. Murænæ fortuna conquerar. Nam cum ſæpe antea, Judices, & ex aliorum miſeriis, & ex meis curis laboribuſque quotidianis, fortunatos eos homines judicarem, qui remoti à ſtudiis ambitionis, otium ac tranquillitatem vitæ ſecuti ſunt: tum vero in his L. Murænæ tantis tamque improviſis periculis ita ſum animo affectus, ut non queam ſatis neque communem omnium noſtrûm conditionem, neque hujus eventum fortunamque miſerari: qui primum dum ex honoribus continuis familiæ, majorumque ſuorum, unum aſcendere gradum dignitatis conatus eſt, venit in periculum, ne & ea quæ relicta, & hæc quæ ab ipſo parta ſunt, amittat: deinde propter ſtudium novæ laudis, in veteris fortunæ diſcrimen adducitur; quæ cum ſunt gravia, Judices, tum illud acerbiſſimum eſt, quod habet eos accuſatores, non qui odio inimicitiarum ad accuſandum, ſed qui ſtudio accuſandi ad inimicitias deſcenderent. Nam ut omittam Ser. Sulpicium, quem intelligo non injuria L. Murænæ, ſed honoris contentione permotum; accuſat paternus amicus, Cn. Poſthumius, vetus, ut ait ipſe, vicinus, ac neceſſarius, qui neceſſitudinis cauſas complures protulit, ſimultatis nullam commemorare potuit: accuſat Ser. Sulpicius, ſodalis filii, cujus ingenio paterni omnes neceſſarii munitiores eſſe debebant: accuſat M. Cato, qui quanquam à Muræna nulla re unquam alienus fuit, tamen ea conditione nobis erat in hac civitate natus, ut ejus opes & ingenium præſidio multis etiam alieniſſimis, exitio vix cuiquam inimico eſſe deberet. Reſpondebo igitur Poſthumio primum, qui neſcio quo pacto mihi videtur, (29.) prætorius candidatus in conſularem, quaſi deſultorius in quadrigarum curriculum incurrere. Cujus competitores, ſi nihil deliquerunt, dignitati eorum conceſſit, cum petere deſtitit: ſin autem eorum aliquis largitus eſt, expetendus amicus eſt, qui alienam potius injuriam, quàm ſuam perſequatur.

XXVIII. Venio nunc ad M. Catonem, quod eſt firmamentum ac robur totius accuſationis? qui tamen ita gravis eſt accuſator & vehemens, ut multo magis ejus auctoritatem quàm criminationem pertimeſcam.

NOTES.

(29.) *Prætorius candidatus in conſularem, quaſi deſultorius in quadrigarum curriculum incurrere.*] This metaphor is taken from the dexterity of thoſe who in horſe-races could vault from one horſe to another without interrupting the courſe. For Poſthumius, a candidate for the prætorſhip, had quitted his pretenſions to that dignity, in the view of impeaching Murena, a candidate for the conſulſhip. This was truly matter of ſurprize. For why did he not rather proſecute ſome of his fellow-candidates? did he expect to ſee this taſk undertaken by ſome friend, who was to entangle himſelf in avenging another's injuries? This, ſays Cicero, is, as if one of your vaulters, inſtead of jumping from one horſe upon another, ſhould ſpring into a chariot and four, and thereby change the courſe from a horſe to a chariot-race. Livy alludes to theſe *deſultorii*, or vaulters, in his thirty-third book, when he ſays, *deſultorum in modum binos trahentibus equos, inter acerrimam ſæpe pugnam in recentem equum ex ſeſſo armatis tranſultare moris erat.*

SECT. XXVII. But firſt let me premiſe ſomewhat by way of complaint, touching the preſent hard fortune of Murena, which has made a very ſudden impreſſion upon my mind. I have often before this, my Lords, from a conſideration of the miſeries of others, and the daily toils and cares to which I am expoſed, been tempted to think thoſe the happieſt men, who, remote from the purſuits of ambition, courted eaſe and tranquillity of life: but now that I behold the great and unexpected dangers which threaten Murena, I am ſo ſtruck with concern, that I cannot ſufficiently bemoan our common lot, nor the fate and fortune of my friend; who upon his very firſt attempt to mount one ſtep above thoſe honours, which have been ſo long in the poſſeſſion of his family and anceſtors, ſaw himſelf in danger, not only of loſing all he inherited from them, but even the acquiſitions of his own induſtry; inſomuch that his purſuit of new praiſe, threatens the entire ſubverſion of his former fortune. Theſe, my Lords, are real hardſhips; but what is ſtill more afflicting in the caſe of my friend, his accuſers have not been prompted to this impeachment by any motives of perſonal reſentment, but have been drawn into perſonal reſentment by their zeal for impeaching. For not to mention Servius Sulpicius, whoſe animoſity againſt Murena flows not from any injurious treatment, but a diſpute about preference; he is accuſed by Cn. Poſtumius, his father's friend, who owns him for his old acquaintance, and intimate companion; and who aſſigns many reaſons why he ſhould love Murena, but can offer none to juſtify his hatred: he is accuſed by Servius Sulpicius, the companion of his ſon, whoſe amiable character ſhould ſtrengthen the attachment of his father's friends: he is accuſed by M. Cato, who not only has no particular ground of quarrel with Murena, but ſeems born to employ his intereſt and talents for the protection of the meereſt ſtrangers, without ſuffering them to prove deſtructive even to his greateſt enemy. I will therefore firſt reply to Poſtumius, who, though a ſolicitor for the prætorſhip, ſeems to me, I can't tell why, to run full againſt a conſular candidate, as if a vaulter on horſeback, ſhould leap into the ſeat of a chariot. If his competitors were no way in fault, he has only yielded to their dignity, in dropping his pretenſions: but if any of them has bribed, a friend muſt be ſought for, to proſecute another's injuries rather than his own. . . . . .

SECT. XXVIII. I come now to M. Cato's charge, which is the prop and ſtrength of this whole impeachment; and whoſe zeal and reputation carries ſo much weight, that I am more afraid of his authority, than his accuſation. And here, my Lords, give me

pertimeſcam. In quo ego accuſatore, Judices, primum illud deprecabor, ne quid L. Murænæ dignitas illius, ne quid expectatio tribunatus, ne quid totius vitæ ſplendor & gravitas noceat; denique ne ea ſoli huic obſint bona M. Catonis, quæ ille adeptus eſt, ut multis prodeſſe poſſet. Bis conſul fuerat P. Africanus, & duos terrores hujus imperii, Carthaginem Numantiamque deleverat, cum accuſavit L. Cottam. Erat in eo ſumma eloquentia, ſumma fides, ſumma integritas, auctoritas tanta, quanta in ipſo imperio populi Romani, quod illius opera tenebatur. Sæpe hoc majores natu dicere audivi, hanc accuſatoris eximiam dignitatem plurimum L. Cottæ profuiſſe. Noluerunt ſapientiſſimi homines, qui tum rem illam judicabant, ita quemquam cadere in judicio, ut nimiis adverſarii viribus abjectus videretur. Quid? (30.) Servium Galbam (nam traditum memoriæ eſt) nonne proavo tuo, fortiſſimo atque florentiſſimo viro, M. Catoni, incumbenti ad ejus perniciem populus Romanus eripuit? Semper in hac civitate nimis magnis accuſatorum opibus & populus univerſus, & ſapientes ac multum in poſterum proſpicientes judices reſtiterunt. Nolo accuſator in judicium potentiam afferat, non vim majorem aliquam, non auctoritatem excellentem, non nimiam gratiam; valeant hæc omnia ad ſalutem innocentium, ad opem impotentium, ad auxilium calamitoſorum: in periculo verò, & in pernicie civium repudientur. Nam ſi quis hoc forte dicet, Catonem deſcenſurum ad accuſandum non fuiſſe, niſi prius de cauſa judicaſſet: iniquam legem, Judices, & miſeram conditionem inſtituet periculis hominum, ſi exiſtimabit judicium accuſatoris in reum pro aliquo præjudicio valere oportere.

XXIX. Ego tuum conſilium, Cato, propter ſingulare animi mei de tua virtute judicium, vituperare non audeo: nonnulla in re forſitan confirmare, & leviter emendare poſſim. NON MULTA PECCAS, inquit ille fortiſſimo viro ſenior magiſter: SED, SI PECCAS, TE REGERE POSSUM. At ego te veriſſime dixerim peccare nihil, neque ulla in re te eſſe hujuſmodi, ut corrigendus potius quàm leviter inflectendus eſſe videare. Finxit enim te ipſa natura ad honeſtatem, gravitatem, temperantiam, magnitudinem animi, juſtitiam, ad omnes denique virtutes, magnum hominem & excelſum; acceſſit his tot doctrina non moderata nec mitis, ſed, ut mihi videtur, paullo

NOTES.

(30.) *Servium Galbam.*] Galba being accuſed before an aſſembly of the people, by Libo, a tribune of the commons, for having, while prætor in Spain, contrary to the publick faith given, treacherouſly fallen upon the enemy, and put a great number of them to the ſword; offered at no other defence, than by producing his children before the people, and recommending them to the protection and compaſſion of the aſſembly. This had ſo powerful an effect towards mitigating the publick reſentment, that he was acquitted of the crime laid to his charge.

leave to entreat, that neither the dignity of the accuſer, nor the expectations conceived of his tribuneſhip, nor the merit and luſtre of his whole character, may be of any prejudice to Murena on this occaſion: nor let thoſe many good qualities of M. Cato, which he poſſeſſes for the benefit of mankind, prove hurtful to him alone. Publius Africanus had been twice conſul, and demoliſhed Carthage and Numantia, thoſe two great terrors of the Roman empire, when he accuſed L. Cotta. He was poſſeſſed of the moſt conſummate eloquence, the moſt untainted honour, and the moſt unblemiſhed integrity; and his authority was equal to that of the whole empire of the Roman people, which was ſupported chiefly by his ſervices. And yet I have often heard people of advanced age declare, that this eminent merit of the accuſer was of the higheſt ſervice to L. Cotta. For the judges in that cauſe, who were men of the moſt diſtinguiſhed prudence, thought it dangerous to leave any room to ſuſpect, that the criminal had been borne down by the ſuperior weight of his adverſary. Did not the people of Rome reſcue Sergius Galba, (for ſo tradition informs us,) from the hands of your great grandfather M. Cato, a brave and illuſtrious citizen, who was bent upon his deſtruction? It appears in the hiſtory of this ſtate, that the people in general, and all wiſe judges, who had the good of poſterity in view, have ever been jealous of the power and intereſt of an accuſer. I like not to ſee an impeacher appear in court with an overbearing power, with ſuperior intereſt, with a prevailing authority, and too extenſive a credit. Let all theſe advantages prevail for the ſafety of the innocent, the protection of the helpleſs, and the relief of the miſerable; but let their influence be repelled from the dangers and deſtruction of citizens. For if any one ſhould ſay, that Cato would not have taken the pains to accuſe, if he had not been aſſured of the crime, he eſtabliſhes a very unjuſt law to men in diſtreſs, by making the judgment of an accuſer to be conſidered as a prejudice, or previous condemnation of the criminal.

SECT. XXIX. So great is the opinion I have of your virtue, Cato, that I dare not preſume to cenſure your conduct: in ſome inſtances, perhaps, I might be able a little to poliſh and amend it. Says the aged monitor to his brave pupil, *you are not wrong in many things, but if you are, I know how to ſet you right.* But I can with great truth ſay of you, that you are never in fault, nor at any time ſo far deviate from what is right, as to ſtand in need rather of correction, than a gentle admonition. For nature herſelf has formed you to honour, wiſdom, temperance, magnanimity, juſtice; in ſhort, to all the virtues becoming a great and an excellent man. To all theſe you have added a temper and diſcipline, not mild and flexible, but, as appears to me, rather rougher and more intractable

paullo aſperior & durior, quàm aut veritas aut natura patiatur. Et quoniam non eſt nobis hæc oratio habenda, aut cum imperita multitudine, aut in aliquo conventu agreſtium, audacius paulo de ſtudiis humanitatis, quæ & mihi & vobis nota & jucunda ſunt, diſputabo. In M. Catone, Judices, hæc bona, quæ videmus divina & egregia, ipſius ſcitote eſſe propria: quæ nonnunquam requirimus, ea ſunt omnia non à natura, ſed à magiſtro. Fuit enim quidem ſummo ingenio vir, Zeno, cujus inventorum æmuli Stoici nominantur. Hujus ſententiæ ſunt & præcepta ejuſmodi: Sapientem gratia nunquam moveri, nunquam cujuſquam delicto agnoſcere: (31.) neminem miſericordem eſſe, niſi ſtultum & levem: viri eſſe neque exorari, neque placari: ſolos ſapientes eſſe, ſi diſtortiſſimi ſint, formoſos; ſi mendiciſſimi, divites; ſi ſervitutem ſerviant, reges: nos autem, qui ſapientes non ſumus, fugitivos, exſules, hoſtes, inſanos denique eſſe dicunt: omnia peccata eſſe paria: omne delictum ſcelus eſſe nefarium: nec minus delinquere eum, qui gallum gallinaceum, cum opus non fuerit, quam eum, qui patrem ſuffocaverit: ſapientem nihil opinari, nullus rei pœnitere, nulla in re falli, ſententiam mutare nunquam.

XXX. Hæc homo ingenioſiſſimus, M. Cato, auctoribus eruditiſſimis inductus, arripuit; neque diſputandi cauſa, ut magna pars, ſed ita vivendi. Petunt aliquid publicani? cave quidquam habeat momenti gratia. Supplices aliqui veniunt miſeri, & calamitoſi? ſceleratus & nefarius fueris, ſi quidquam miſericordia adductus feceris. Fatetur aliquis ſe peccaſſe, & ejus delicti veniam petit? nefarium eſt facinus ignoſcere. At leve delictum eſt; omnia peccata ſunt paria. Dixiſti quippiam; fixum & ſtatutum eſt. Non re ductus es, ſed opinione; ſapiens nihil opinatur. Erraſti aliqua in re; male dici putat. Hac ex diſciplina nobis illa ſunt. (32.) Dixi in Senatu, me nomen conſularis candidati delaturum: iratus dixiſti; nunquam,

NOTES.

(31.) *Neminem miſericordem eſſe niſi ſtultum & levem.*] Compaſſion, according to the definition given of it by the ſtoics, was a certain diſeaſe of the mind, ariſing from a contemplation of the miſery of others, labouring under any misfortune. A man, therefore, ſuſceptible of this feeling, was by them conſidered as weak, unſteady, and of a mean ſoul, incapable of vigorous deſigns. Hence Seneca, in his epiſtle to Lucilius, thus expreſſes himſelf: *Stultitia eſt, cui nihil conſtat, nihil diu placet.* That man may deſervedly be termed a fool, who diſcovers no conſiſtency in his behaviour, nor ſteadineſs in his attachments.

(32.) *Dixi in ſenatu me nomen conſularis candidati delaturum.*] What Cicero obſerves here, could not fail of contributing greatly to leſſen the charge againſt Murena. Cato accuſes him, not that in fact he had done any thing contrary to law, but becauſe he had ſaid in the ſenate, that he was reſolved to impeach ſome conſular candidate. Any other perſon, not infected with the obſtinacy of ſtoiciſm, would have made no ſcruple to own that he had expreſſed himſelf ſo in anger, and therefore now choſe to drop his deſign. But ſuch an acknowledgment was by no means to be expected from Cato, who would thereby ſeem to deviate from the gravity

than either nature or reaſon require. And becauſe this ſpeech is not addreſſed to an illiterate multitude, or an aſſembly of ruſtics, give me leave to enlarge a little with regard to theſe politer ſtudies, which are ſo well known and grateful both to you and me. Know then, my Lords, that thoſe divine and admirable qualities which we diſcern in Cato, ſpring truly and properly from himſelf: but that ſometimes he appears to be blemiſhed with defects, is not the fault of his nature, but of education. For there was a man of a ſublime genius, named Zeno, whoſe diſciples and followers are called ſtoics. His ſentiments and tenets are: that a wiſe man ought never to be influenced by favour, nor ever to pardon an offence; that it is an argument of weakneſs and folly to be ſoftened by ſentiments of compaſſion; that a truly manly character is equally inacceſſible to entreaties and prayers; that the wiſe man alone is beautiful, however diſtorted in appearance; that he alone is rich, though ſurrounded with the moſt abject poverty; and that in the moſt deſpicable ſtate of ſlavery, he only is a king: that we again, who are not entitled to the prize of wiſdom, are fugitives, exiles, enemies, and, in ſhort, madmen; that all crimes are equal; that every offence is a mortal ſin; that he who ſmothers a cock, without neceſſity, is no leſs guilty than the man who ſmothers his father; that the wiſe man never doubts, never repents, is never deceived, and never changes his mind.

SECT. XXX. Theſe are the principles which the ingenious M. Cato, induced by the reputation of the inventor and his followers, has thought proper to adopt; not for ſhew and diſputation, as is often the caſe, but to ſerve as ſtanding rules of behaviour. Do the farmers of the revenue petition for ſome abatement? take care that nothing be done merely from a principle of favour. Are you addreſſed in ſuppliant terms by ſome people overwhelmed with miſery and diſtreſs? you are in the higheſt degree blameable and guilty, if you give the leaſt ear to the dictates of compaſſion. Does a man acknowledge his fault, and humbly ſue for pardon? it were a crime of the deepeſt dye to forgive. But is it a ſlight offence? all faults are alike. Have you once ſaid a thing? it is fixed and unalterable. But you did not decide in the matter, you only gave your opinion? a wiſe man has no opinion. Does any one pretend you have been miſtaken? this is conſtrued into the higheſt affront. 'Tis to theſe doctrines that we are indebted for the preſent proſecution. I ſaid in the ſenate that I would impeach one of the conſular candidates. But you was in a paſſion when you ſaid ſo. A wiſe

NOTES.

vity and firmneſs of a wiſe man.' Murena therefore muſt be impeached, becauſe the ſtoics thought anger inconſiſtent with the character of a wiſe man, and Cato claimed that character as belonging to himſelf.

nunquam, inquit, ſapiens iraſcitur. At temporis cauſa: improbi, inquit hominis eſt mendacio fallere; mutare ſententiam, turpe eſt; exorari, ſcelus; miſereri, flagitium. Noſtri autem illi (fatebor enim, Cato, me quoque in adoleſcentia diffiſum ingenio meo quæſiſſe adjument adoctrinæ) noſtri, inquam, illi à Platone, & Ariſtotele, moderati homines, & temperati, aiunt, apud ſapientem valere aliquando gratiam: viri boni eſſe miſereri: diſtincta genera eſſe delictorum, & diſpares pœnas: eſſe apud hominem conſtantem ignoſcendi locum: ipſum ſapientem ſæpe aliquid opinari, quod neſciat: iraſci nonnunquam: exorari eundem, & placari: quod dixerit, interdum, ſi ita rectius ſit, mutare: de ſententia decedere aliquando: omnes virtutes mediocritate quadam eſſe moderatas.

XXXI. Hos ad magiſtros ſi qua te fortuna, Cato, cum iſta natura detuliſſet; non tu quidem vir melior eſſes, nec fortior, nec temperantior, nec juſtior (neque enim eſſe potes) ſed paullo ad lenitatem propenſior; non accuſares nullis adductus inimicitiis, nulla laceſſitus injuria, prudentiſſimum hominem, ſumma dignitate atque honeſtate præditum: putares, cum in ejuſdem anni cuſtodia, te atque L. Murænam fortuna poſuiſſet, aliquo te, cum hoc reipub. vinculo eſſe conjunctum; quod atrociter in Senatu dixiſti, aut non dixiſſes, aut ſepoſuiſſes, aut mitiorem in partem interpretarere. Ac te ipſum, quantam ego opinione auguror, nunc & animi quodam impetu concitatum, & vi naturæ atque ingenii elatum, & recentibus præceptorum ſtudiis flagrantem jam uſus flectet, dies leniet, ætas mitigabit. Etenim iſti ipſi mihi videntur veſtri præceptores & virtutis magiſtri (33.) fines officiorum paullo longius, quam natura vellet, protuliſſe; ut, cum ad ultimum animo contendiſſemus, ibi tamen, ubi oportet, conſiſteremus. Nihil ignoveris: immo aliquid, non omnia. Nihil gratiæ cauſa feceris: immo reſiſtito gratiæ, cum officium

NOTES.

(33.) *Fines officiorum.*] By this we are to underſtand the extreme and ultimate point, as it were of duty; what the Greeks denoted by the word τέλος. The metaphor is taken from the boundaries of lands, which ſerve to divide and mark their proper limits. Cicero here inſinuates, that the ſtoics had extended the bounds of virtue beyond what the nature of things would allow, placing the ultimate perfection of goodneſs, in a certain rigour and inflexible ſeverity, that exceeded the reach and condition of human nature. *Quando enim,* ſays Camerarius, *ad illud rectum, quod ipſi* κατόρθωμα *pervenietur, aut quæ hujus erit uſurpatio in convictu & conſuetudine hominum? Fuiſſe igitur hoc concilium illorum Cicero putat, non quod perveniri ad tantam perfectionem poſſe crederent, ſed ut annitentes procederent longius.*

wiſe man, returns he, is never in a paſſion. The particular conjuncture, perhaps, required ſuch a declaration. None but a rogue will deceive by a lie. To alter one's ſentiments, is ſhameful; to yield to prayers and entreaties, a crime; and to be compaſſionate, a ſcandalous weakneſs. But the maſters that I followed (for I will own to you, Cato, that in my youth, diſtruſting my own capacity, I too ſought aſſiſtance from learning) the maſters, I ſay, that I followed, who had formed themſelves upon the principles of Plato and Ariſtotle, and profeſſed a more moderate and reaſonable philoſophy, tell me, that a wiſe man is ſometimes ſwayed by affection; that compaſſion is eſſential to the character of a good man; that faults differ in kind and degree, and ought therefore to differ alſo in reſpect of puniſhment; that ſteddineſs is not inconſiſtent with a diſpoſition to forgive; that the ſage frequently contents himſelf with opinions, where he finds it impoſſible to arrive at abſolute certainty; that he is ſometimes liable to anger; that he may be ſoftened and appeaſed; that he ſcruples not to depart from what he has ſaid, where reaſon prompts him ſo to do; that he ſometimes changes his mind; and that all virtue conſiſts in a certain mediocrity.

SECT. XXXI. Had it been your fortune, Cato, with that diſpoſition you inherit from nature, to have ſtudied under maſters like theſe, you would not, indeed, have been a better, a bolder, a more temperate, or a juſter man, for that were impoſſible: but you would have been a little more inclinable to gentleneſs. You would not, without either injury or provocation, have accuſed the moſt modeſt man upon earth, and one eminent for his merit and dignity: you would have thought, as fortune had deſtined you both to magiſtracies the ſame year, that there was a ſort of political relation ſubſiſting between you: and as to the invectives you threw out againſt him in the ſenate, you either would have ſuppreſſed them altogether, or put them off till another time, or at leaſt conſiderably ſoftened their aſperity. But, as far as I am able to judge, experience will bend, age mitigate, and length of time qualify that impetuoſity of ſpirit, that predominant force of nature and genius, which at preſent, through the recent impreſſions of philoſophy, hurry you on to a kind of ſavage and ſtubborn virtue. For in my opinion, your teachers and profeſſors of wiſdom have ſtretched the bounds of moral duty rather beyond what nature requires. Our deſires, indeed, ſhould prompt us to aim at the higheſt perfection; yet ſtill prudence muſt determine where it will be proper to ſtop. You are for pardoning nothing. Many things it muſt be owned, are without the reach of pardon, yet ſome at leaſt have a reaſonable claim. You utterly diſclaim the influence of favour or affection.

ficium & fides poſtulabit. Miſericordia commotus ne ſis: etiam, in diſſolvenda ſeveritate; ſed tamen eſt laus aliqua humanitatis. In ſententia permaneto: vero, niſi ſententia alia vicerit melior. Hujuſcemodi Scipio ille fuit, quem non pœnitebat facere idem, quod tu: habere eruditiſſimum hominem, & pene divinum domi: cujus oratione & præceptis, quanquam erant eadem iſta, quæ te delectant, tamen aſperior non eſt factus, ſed, ut accepi à ſenibus, leniſſimus. Quis vero C. Lælio comior? quis jucundior, eodem ex ſtudio iſto? quis illo gravior? ſapientior? (34.) Poſſum de L. Philippo, de C. Gallo dicere hæc eadem: ſed te domum jam deducam tuam. Quemquamne exiſtimas Catone proavo tuo commodiorem, comiorem, moderatiorem fuiſſe ad omnem rationem humanitatis? de cujus præſtanti virtute cum verè graviterque diceres, domeſticum te habere dixiſti exemplum ad imitandum. Eſt illud quidem exemplum tibi propoſitum domi: ſed tamen naturæ ſimilitudo illius ad te magis, qui ab illo ortus es, quam ad unumquemque noſtrûm pervenire potuit: ad imitandum vero tam mihi propoſitum exemplar illud eſt, quam tibi. Sed ſi illius comitatem, & facilitatem tuæ gravitati ſeveritatique adſperſeris, non iſta quidem erunt meliora, quæ nunc ſunt optima, ſed certe condita jucundius.

XXXII. Quare, ut ad id quod inſtitui revertar, tolle mihi è cauſa nomen Catonis: remove, ac prætermitte auctoritatem, quæ in judiciis aut nihil valere, aut ad ſalutem debet valere: congredere mecum criminibus ipſis. Quid accuſas, Cato? quid affers in judicium? quid arguis? Ambitum accuſas? non defendo. Me reprehendis, quòd idem defendam, quod lege puniverim? punivi ambitum, non innocentiam: ambitum vero ipſum vel tecum accuſabo, ſi voles. Dixiſti ſenatuſconſultum, me referente, eſſe factum. Si mercede corrupti, obviam candidatis iſſent, ſi conducti ſectarentur, ſi gladiatoribus vulgo locus tributim, & item prandia ſi vulgo eſſent data; contra legem Calpurniam factum videri. Ergo ita Senatus judicat, contra legem facta hæc videri, ſi facta ſint: decernit, quod nihil opus eſt, dum candidatis morem gerit. Nam factum ſit, necne, vehementer

NOTES.

(34.) *Poſſum de L. Philippo.*] As Manutius ſtrongly contends that ſome error muſt have crept in here, I ſhall tranſcribe his whole note upon this paſſage, for the ſatisfaction of the curious reader: 'Locus unus 'ex iis, quibus, contra veteres libros, con-'jecturam libenter ſequor. Quis enim hi-'ſtoriæ peritus, de L. Philo, non probabit 'magis, quam de L. Philippo; Philus do-'ctrina, et ſapientia clarus: itaque conjun-'gitur, item ut hic, cum Scipione, Lælio, 'Catone, in oratione pro Archia,' Cap. 7. *Eſſe hunc numero, quem patres noſtri viderunt, divinum hominem Africanum; ex hoc C. Lælium, L. Furium, modeſtiſſimos homines et continentiſſimos; ex hoc fortiſſimum virum, et illis temporibus doctiſſimum M. Catonem illum ſenem.* 'Sic & aliis in locis. At de L. 'Philippo, tanquam ſapiente, et docto quæ 'loquitur hiſtoria.' I cannot however, but obſerve here, in oppoſition to the above remark of Manutius, that Cicero, in his Brutus, ſpeaks of Philippus as a man perfectly ſkilled in the Greek learning.

tion. By all means ſtifle theſe emotions, where honour and duty require you ſo to do. You think it criminal to yield to the dictates of compaſſion. It is ſo in caſes that require ſeverity; but on many occaſions humanity is praiſe-worthy. Perſevere in your reſolutions. True; unleſs ſome better reſolution offers upon a clearer view of things. Such were the ſentiments of the great Scipio; who, like you, was not aſhamed to keep at his houſe a man of profound learning, and almoſt approaching to divinity: whoſe precepts and converſation, though the ſame with thoſe which you ſo much admire, were yet ſo far from rendering him untractable, that, as I have learnt from ſome of his contemporaries, he was the gentleſt of all men. Who was more affable, who more agreeable than C. Lælius, though a follower of the ſame philoſophy? At the ſame time, who was there that equalled him in weight and wiſdom? I might ſay the ſame of L. Philippus, and C. Gallus; but let me now lead you into your own family. Do you believe that your great grandfather Cato fell ſhort of any man in affability, politeneſs, complaiſance, and the moſt extenſive humanity: accordingly, when you ſpoke ſo fully and feelingly of his eminent virtues, you told us that you had a domeſtic model for your imitation. He is indeed an unexceptionable model; but the ſimilarity of genius may be more conſpicuous in you, who are ſo nearly allied to him by deſcent; yet ſtill is he no leſs an example for my imitation than yours. But were you to temper your auſterity and gravity, with his affability and politeneſs; it would not indeed add to the excellency of your virtue, which is already perfect; but it would at leaſt, by a proper ſeaſoning, render it more agreeable.

SECT. XXXII. To return then to the point in queſtion, away with the name of Cato from this cauſe; think no more of an authority, which in a court of juſtice ought to avail nothing, or at leaſt only to ſave. Join iſſue with me upon the crimes themſelves. What is your accuſation, Cato? What do you charge him with before the judges? Upon what does the indictment turn? Do you impeach him of corruption? It is a crime that admits of no defence. You blame me for defending a cauſe which falls under the cenſure of my own law. That law was made againſt corruption, not againſt innocence; nor is corruption leſs criminal in my eyes than in yours. You tell me that a decree paſſed in the ſenate at my inſtance, declaring it an infringement of the Calpurnian law, for candidates to procure attendants and followers by diſtributing money, by exhibiting ſhews of gladiators, or entertaining the populace with dinners. The ſenate then judges theſe things, if done, to be contrary to law: but where a candidate yields exact obedience, then nothing is decreed againſt him. The great queſtion therefore is,

menter quæritur; ſi factum ſit, quin contra legem ſit, dubitare nemo poteſt. Eſt igitur ridiculum, quod eſt dubium, id relinquere incertum; quod nemini dubium poteſt eſſe, id judicare. Atque id decernitur; omnibus poſtulantibus canditatis: ut ex S. C. neque cujus interſit, neque contra quem ſit, intelligi poſſit. Quare doce, à L. Muræna illa eſſe commiſſa: tum egomet tibi contra legem commiſſa eſſe concedam.

XXXIII. (35.) Multi obviam prodierunt de provincia decedenti, conſulatum petenti; ſolet fieri; eccui autem non proditur revertenti? quæ fuit iſta multitudo? primum, ſi tibi iſtam rationem non poſſum reddere, quid habet admirationis, tali viro advenienti, candidato conſulari, obviam prodiſſe multos? quod niſi eſſet factum, magis mirandum videretur. Quid ſi etiam illud addam, quod à conſuetudine non abhorret, rogatos eſſe multos? num aut criminoſum ſit aut mirandum, qua in civitate rogati infimorum hominum filios prope de nocte ex ultima ſæpe urbe deductum venire ſoleamus, in ea non eſſe gravatos homines prodire hora tertia in campum Martium, præſertim talis viri nomine rogatos? Quid, ſi omnes ſocietates venerunt, quarum ex numero multi hic ſedent Judices? quid, ſi multi homines noſtri ordinis honeſtiſſimi? quid, ſi illa officioſiſſima, quæ neminem patitur non honeſte in urbem introire, tota natio candidatorum? ſi denique ipſe accuſator noſter Poſtumius obviam cum bene magna caterva ſua venit; quid habet iſta multitudo admirationis? omitto clientes, vicinos, tribules, exercitum totum Luculli, qui ad triumphum per eos dies venerat; hoc dico, frequentiam in iſto officio gratuitam, non modo dignitati ullius unquam, ſed ne voluntati quidem defuiſſe. At ſectabantur multi. Doce, mercede; concedam eſſe crimen: hoc quidem remoto, quid reprehendis?

XXXIV. Quid opus eſt, inquit, ſectatoribus? à me tu id quæris, quid opus ſit eo, quo ſemper uſi ſumus? Homines tenues unum habent in noſtrum ordinem aut promerendi aut proferendi beneficii locum, hanc in noſtris petitionibus operam, atque affectationem;

NOTES.

(35.) *Multi obviam prodierunt——rogatos eſſe multos.*] Cicero here produces the arguments offered by Cato, to prove that Murena had acted contrary to the laws. Firſt, a great number of people had gone to meet Murena on his return to Rome. But Cicero obſerves, that there could be no reaſon to ſuppoſe from thence they were corrupted, ſince the thing was cuſtomary, and a piece of reſpect always paid to governors of provinces, who had diſtinguiſhed themſelves by their merit and the integrity of their adminiſtration. A ſecond argument was, that he had ſolicited a number of friends and followers to attend him to the field of Mars, on the day of election. Cicero replies, that this too was a common practice, even in the caſe of perſons of the meaneſt rank; and therefore could not with any ſhadow of reaſon, be denied to a man of the firſt authority in the commonwealth.

whether the fact was committed: for that once proved, there can be no doubt as to the infringement of the law. Now it is ridiculous to leave that which is doubtful without a thorough examination, and to try a point that can admit of no doubt. For it was at the desire of all the candidates that this decree passed, that it might never be known against whom, or in whose favours, the law was intended. Prove then that L. Murena was guilty of these overt-acts, and I shall without hesitation allow that they are expressly contrary to law.

SECT. XXXIII. A great many people, you say, went out to meet him, when he returned from his province, to stand for the consulship. This is no more than common. What man, on his return home, is not met by a multitude of his friends? but who were those numbers? First, supposing I was unable to satisfy you in this point, yet what reason is there to wonder, that a great many went to meet a citizen so illustrious for his merit, and a consular candidate? had it been otherwise, the wonder would have been much greater. What if I should even say, since the custom is by no means unusual, that a great many were invited; is it either criminal or a matter of surprize, that in a state, where we scruple not upon invitation to attend the sons of the meanest citizen, even before day, and from the most remote parts of the city; men should think it no trouble to appear in the field of Mars by nine o'clock, especially when invited in the name of so illustrious a citizen? What if all the several companies had come, from amongst whom many now sit here as judges? what if many of the most distinguished men of our order? what if the whole officious race of candidates, who never suffer a man to enter the city, without paying him some mark of respect? if, in short, our accuser himself Postumius, had come to meet him at the head of a great retinue? what is there wonderful in all this multitude of attendants? I say nothing of his clients, his neighbours, those of the same tribe, nor of the army of Lucullus, which was then come to Rome to attend the triumph of their general. I will venture to affirm, that this gratuitous concourse of friends upon such an occasion, was never wanting to support the dignity, nay even to answer the desire of whoever required it: But he had a vast train of followers. Shew them to have been hired, and I'll allow it criminal: but if that does not appear, how can you deem him guilty?

SECT. XXXIV. But what occasion, says our adversary, for all that train of followers? Do you ask me what occasion there is for a practice, which has been so long in general use? Men of low condition have this only method of meriting or requiting the ser-

nem; neque enim fieri poteſt, neque poſtulandum eſt à nobis, aut ab equitibus Romanis, ut ſuos neceſſarios candidatos ſectentur totos dies; à quibus ſi domus noſtra celebratur, ſi interdum ad forum deducimur, ſi uno baſilicæ ſpatio honeſtamur, diligenter obſervari videmur & coli. Tenuiorum & non occupatorum amicorum eſt iſta aſſiduitas, quorum copia bonis & beneficis deeſſe non ſolet. Noli igitur eripere hunc inferiori generi hominum fructum officii, Cato: ſine eos, qui omnia à nobis ſperant, habere ipſos quoque aliquid, quod nobis tribuere poſſint; ſi nihil erit præter ipſorum ſuffragium, tenue eſt; (36.) ſi, ut ſuffragantur, nihil valent gratia; ipſi denique, ut ſolent loqui, non dicere pro nobis, non ſpondere, non vocare domum ſuam poſſunt: atque hæc à nobis petunt omnia: neque ulla re alia, quæ à nobis conſequuntur, niſi opera ſua, compenſari putant poſſe. Itaque (37.) & legi Fabiæ, quæ eſt de numero ſectatorum, & S. C. quod eſt L. Cæſare conſule factum, reſtiterunt; nulla eſt enim pœna, quæ poſſit obſervantiam tenuiorum ab hoc vetere inſtituto officiorum excludere. At ſpectacula ſunt tributim data, & ad prandium vulgo vocati. Etſi hoc factum à Muræna

NOTES.

(36.) *Si, ut ſuffragantur, nihil valent gratia.*] As this ſeems to be a very obſcure paſſage, and has occaſioned no ſmall trouble to commentators, I ſhall, for the reader's information, tranſcribe the remark of Ferratius upon it. 'Manutius, *ſays he*, hoc totum abundare arbitratur, et nihil omnino requiri poſt illud: *ſi nihil erit præter ipſorum ſuffragium, tenue eſt.* Ego et neceſſarium alterum illud membrum eſſe judico ad abſolvendam ſententiam, et duobus modis exponi poſſe contendo. Nam ſuffragari nihil aliud eſt, et ſignificat, quam ſuum dare ſuffragium, ne ab ipſius verbi notione recedatur. Jam conſtat, hanc ſuperioris membri eſſe approbationem: *ſi nihil erit præter ipſorum approbationem, tenue eſt*; nimirum, ſi in referenda gratia nobilibus viris, pro tot ac tantis ſibi collatis beneficiis, nihil tenuiores habeant præter ſuffragium, tenuis admodum eſt compenſatio. Qua de cauſa? *ſi, ut ſuffragantur, nulla valent gratia*; quoniam, prout ſuffragantur, et inferendis ſuffragiis, nulla tenuiorum gratia eſt. Hac eadem oratione, cap. 23. ubi agitur de poſtulatis Sulpicii a ſenatu repudiatis: *Confuſionem ſuffragiorum flagitaſti, prorogationem legis Maniliæ, æquationem gratiæ, dignitatis ſuffragiorum.* Lex Manilia, jam vel abrogata, vel repudiata, jubebat, confuſis omnium centuriarum ſuffragiis, eos eſſe conſules (idemque puta de cæteris magiſtratibus) qui plura tuliſſent. Eadem lex ut reſtitueretur, Sulpicius petebat, cui ſi ſenatus aſſenſus ſuiſſet: primo nullius centuriæ beneficium apparuiſſet, hinc tollebatur gratia: deinde omnes ſimul omnium claſſium centuriæ ſuffragium tuliſſent; hinc dignitatem, et jus ſuorum ſuffragiorum, primæ et ſecundæ claſſis centuriæ amittebant, a quibus plerumque abſolvebantur comitia. Habes igitur, duas tantum claſſes, ut plurimum, gratia valuiſſe in ferendis ſuffragiis, hoc eſt in ſuffragando, quod fere ab iis abſolverentur comitia centuriata, de quibus loquimur, antequam reliquæ claſſis introvocarentur; proindeque tertia, quarta et quinta, in ſuffragando, nulla gratia valebant. Hi erant tenuiores, de quibus ut pateat vere eſſe dictum: *Si nihil erit præter ipſorum ſuffragium, tenue eſt*; additur ratio: *Si* (pro quoniam) *ut ſuffragantur* (procul ſuffragium ferunt) *nulla valent gratia.*' Thus Ferratius: and yet, perhaps, the meaning may be no more than this, *that a ſingle vote is all they have to beſtow, which at beſt is but a ſmall affair, as* they have no weight, intereſt, nor authority, beyond their perſonal ſuffrage.

(37.) *Et legi Fabiæ, et ſenatuſconſulto.*] The Fabian law againſt corruption limited the number of followers that were to attend a candidate into the field of Mars. But the people ſtrenuouſly oppoſed this law, and could be deterred by no penalties from expreſſing this

vices of us ſenators, by their aſſiduity and attendance while we ſtand candidates for publick offices. For it is neither poſſible, nor indeed to be required of us and the Roman knights, that we ſhould attend our friends for whole days together in their demand of publick honours. If they frequent our houſes, if they ſometimes conduct us to the forum, if they give us their company a piazza's length, we ſeem to be ſufficiently honoured and reſpected. The aſſiduity of conſtant attendance is never expected but from men of ordinary rank, and free from the incumbrance of buſineſs; and of theſe, the good and generous are never without a ſufficient number. Do not therefore, Cato, deprive the lower order of mankind, of this fruit of their good offices. Suffer them who hope every thing from us, to have it likewiſe in their power to pay us ſomewhat in return. Had we nothing to expect from them but their votes, it would avail us little, becauſe they have no great weight in elections. In ſhort, as they themſelves are wont to ſay, they cannot plead for us, they cannot bail us, they cannot invite us to their houſes: theſe are ſervices they expect from us; nor have they any proſpect of requiting the good offices we do them, but by the zeal and aſſiduity of their attendance. Accordingly they oppoſed both the Fabian law, which limited the number of attendants, and the decree of the ſenate, which was made in the conſulſhip of L. Cæſar: for no penalty has yet been found ſufficient to reſtrain people of meaner rank from this old method of expreſſing their attachment to the great. But public ſhews were exhibited to the tribes, and dinners were given to the populace. Though

NOTES.

this mark of their regard for the great, founded in ancient cuſtom. As to the decree of the ſenate here mentioned, it is to be referred to the year when Cicero declared himſelf a candidate for the conſulſhip. He had no leſs than ſix competitors, P. Sulpicius Galba, L. Sergius Catiline, C. Antonius, L. Caſſius Longinus, Q. Cornificius, C. Licinius Sacerdos. The two firſt were patricians, the two next plebeians, yet noble; the two laſt the ſons of fathers who had firſt imported the publick honours into their families: Cicero was the only new man among them, or one born of equeſtrian rank. In this competition, which happened during the conſulſhip of L. Cæſar, and C. Figulus, the practice of bribing was carried on ſo openly and ſhamefully by Antonius and Catiline, that the ſenate thought it neceſſary to give ſome check to it by a new and more rigorous law; but when they were proceeding to publiſh it, L. Mucius Oreſtinus, one of the tribunes, put his negative upon them. This tribune had been Cicero's client, and defended by him in an impeachment of plunder and robbery; but having now ſold himſelf to his enemies, made it the ſubject of all his harangues to ridicule his birth and character, as unworthy of the conſulſhip. In the debate therefore, which aroſe in the ſenate upon the merit of his negative, Cicero, provoked to find ſo deſperate a confederacy againſt him, roſe up, and after ſome raillery and expoſtulation with Mucius, made a moſt ſevere invective on the flagitious lives and practices of his two competitors, in a ſpeech uſually called *in toga candida*, becauſe it was delivered in a white gown, the proper habit of all candidates, and from which the name itſelf was derived. In this ſpeech he counſels the ſenate to limit the number of attendants upon a candidate: but the tribune ſtill perſiſting in his negative, the propoſal came to nothing; ſo that there was no law now in force which Murena could be ſaid to have infringed.

Muræna omnino, Judices, non eſt: ab ejus amicis autem more & modo factum eſt: tamen admonitus reipſa, recordor quantum hæ quæſtiones in Senatu habitæ punctorum nobis, Servi, detraxerint. Quod enim tempus fuit aut noſtra, aut patrum noſtrorum memoria, quo hæc, ſive ambitio eſt, ſive liberalitas, non fuerit, ut locus & in circo, & in foro daretur amicis, & tribulibus? hæc homines tenuiores primum, ne dum qui ea ſuis tribulibus veteri inſtituto aſſequebantur.

XXXV. Præfectum fabrûm ſemel locum tribulibus ſuis dediſſe: quid ſtatuent in viros primarios, qui in circo totas tabernas, tribulium cauſa, compararunt? hæc omnia ſectatorum, ſpectaculorum, prandiorum item crimina à multitudine in tuam nimiam diligentiam, Servi, conjecta ſunt; in quibus tamen Muræna ab Senatus auctoritate defenditur. Quid enim? Senatus num obviam prodire crimen putat? non. ſed mercede: convince. num ſectari multos? non. ſed conductos: doce conductos. num locum ad ſpectandum dare, aut ad prandium invitare? minime. ſed vulgo, paſſim. Quid eſt vulgo? univerſos. non igitur, ſi L. Natta ſummo loco adoleſcens, qui, & quo animo jam ſit, & qualis vir futurus ſit, videmus, in equitum centuriis voluit eſſe, & ad hoc officium neceſſitudinis, & ad reliquum tempus gratioſus, id erit ejus vitrico fraudi, aut crimini: nec ſi Virgo Veſtalis hujus propinqua & neceſſaria, locum ſuum gladiatorium conceſſit huic, non & illa pie fecit, & hic à culpa eſt remotus; omnia hæc ſunt officia neceſſariorum, commoda tenuiorum, munia candidatorum. At enim agit mecum auſtere & ſtoice Cato; negat verum eſſe, allici benevolentiam cibo: negat judicium hominum in magiſtratibus mandandis corrumpi voluptatibus oportere. Ergo, ad cœnam petitionis cauſa ſi quis vocat, condemnetur; quippe, inquit, tu mihi ſummum imperium, ſummam auctoritatem, tu gubernacula reipub. petas fovendis hominum ſenſibus & deliniendis animis, & adhibendis voluptatibus? utrum lenocinium, inquit, à grege delicatæ juventutis, an orbis terrarum imperium à populo Romano petebas? Horribilis oratio: ſed eam uſus,

Though this, my Lords, was not done by Murena himſelf, but by his friends, in moderation, and according to cuſtom; yet now that the thing is ſuggeſted to my remembrance, I cannot help deſiring you to reflect, Servius, how many votes are loſt, by bringing theſe enquiries before the ſenate. For where was the time, either in our own memory, or that of our fathers, when this ſpirit, whether of ambition or liberality, did not allot a place in the circus and the forum, to our friends, and thoſe of our own tribe? This cuſtom began amongſt the lower order of people, and by degrees ſpread . . . . . .

SECT. XXXV. It is known that the maſter of the artizans once allotted a place to thoſe of his own tribe: what ſhall we determine then with reſpect to men of quality, who hire whole booths in the circus for the ſame purpoſe? All theſe accuſations, Servius, regarding retinue, ſhews, and even entertainments, are attributed by the multitude to your over ſcrupulous exactneſs; when Murena is even juſtified in theſe points by the authority of the ſenate. For, tell me: does the ſenate think it criminal for a perſon to be met upon his return home? No; unleſs he hires people for that purpoſe. Prove this then upon my client. Does it forbid a multitude of attendants? only when they are bribed. Make this appear. Are ſeats at the publick ſhews, or invitations to dinner prohibited? never but when they are given promiſcuouſly. But how promiſcuouſly? why to all without exception. If L. Natta, a youth of diſtinguiſhed birth and courage, of whom we juſtly conceive the higheſt hopes, enrolled himſelf in the centuries of knights, to conciliate their favour, and ſecure their intereſt for the time to come, ought that to be imputed to his ſtep-father, as a crime or fraudulent ſtep? or if a veſtal virgin, his relation and friend, reſigned to him her ſeat at a ſhew of gladiators, was it not a proof of affection in her, and a favour he might accept without danger of cenſure? All theſe are no more than the duties of friends, the perquiſites of inferiors, and the privileges of candidates. But Cato argues with auſterity, and in the character of a ſtoic. He ſays it is unjuſt to conciliate favour by giving entertainments to the people; that in conferring offices, the votes ought not to be influenced by the allurements of pleaſure; and that if a candidate invites another to ſupper with this view, his conduct is juſtly liable to cenſure. What, ſays he, do you ſolicit the chief command, the higheſt authority, and the adminiſtration of the commonwealth, by pampering the ſenſes, ſoothing the inclinations, and adminiſtring to the pleaſures of mankind? Do you aſpire to be maſter of the revels to a troop of delicate youths, or to obtain the command of the world from the Roman people? An alarming ſpeech! but refuted

uſus, vita, mores, civitas ipſa reſpuit. Neque tamen Lacedæmonii auctores iſtius vitæ, atque orationis, qui quotidianis epulis in robore accumbunt: neque vero Cretes, quorum nemo guſtavit unquam cubans, melius quam Romani homines, qui tempora voluptatis laboriſque diſpertiunt, reſpublicas ſuas retinuerunt: quorum alteri uno adventu noſtri exercitus deleti ſunt, alteri noſtri imperii præſidio diſciplinam ſuam, legeſque conſervant.

XXXVI. Quare noli, Cato, majorum inſtituta, quæ res ipſa publica, quæ diuturnitas imperii comprobat, nimium ſevera oratione reprehendere. (38.) Fuit eodem ex ſtudio vir eruditus apud patres noſtros, & honeſtus homo & nobilis, Q. Tubero: is, cum epulum Q. Maximus, Africani patrui ſui nomine, populo Rom. daret, rogatus eſt à Maximo, ut triclinium ſterneret, cum eſſet Tubero ejuſdem Africani ſororis filius: atque ille, homo eruditiſſimus, ac Stoicus, ſtravit pelliculis hœdinis lectulos Punicanos, & expoſuit vaſa Samia: quaſi vero eſſet Diogenes Cynicus mortuus, & non divini hominis Africani mors honeſtaretur: quem cùm ſupremo ejus die Maximus laudaret, gratias egit diis immortalibus, quod ille vir in hac republica potiſſimum natus eſſet: neceſſe enim fuiſſe, ibi eſſe terrarum imperium, ubi ille eſſet. Hujus in morte celebranda graviter tulit populus Rom. hanc perverſam ſapientiam Tuberonis; itaque homo integerrimus, civis optimus, cum eſſet L. Paulli nepos, P. Africani, ut dixi, ſororis filius, his hœdinis pelliculis prætura dejectus eſt. Odit populus Rom. privatam luxuriam, publicam magnificentiam diligit; non amat profuſas epulas; ſordes & inhumanitatem multo minus. Diſtinguit rationem officiorum ac temporum, viciſſitudinem laboris ac voluptatis. Nam quod ais, nulla re allici hominum mentes oportere ad magiſtratum mandandum, niſi dignitate: hoc tu ipſe, in quo ſumma eſt dignitas, non ſervas; cur enim quemquam, ut ſtudeat tibi, ut te adjuvet, rogas? rogas tu me, ut mihi præſis, ut committam ego me tibi; quid tandem? iſtuc me rogari oportet abs te, an te potius à me, ut pro mea ſalute

NOTES.

(38.) *Fuit eodem ſtudio Q. Tubero.*] Cicero here ridicules the doctrine of the ſtoics, ſhews the abſurdities into which it may betray a man, and paints the ill conſequences that often ariſe from it. Q. Tubero, of whom he ſpeaks here, had profeſſed himſelf a ſtoic, and reſolved to regulate his conduct by the tenets of that ſect. Accordingly, in an entertainment he gave the Roman people, on occaſion of the death of the great Scipio Africanus, he made uſe of plain wooden beds, goatſkin covers, and earthen diſhes. But this ill-timed parſimony was ſo diſpleaſing to the Roman people, that when he afterwards ſtood for the prætorſhip, they refuſed him their ſuffrages, though a man of illuſtrious birth, and the moſt diſtinguiſhed virtue.

by our lives, our manners, our practice, and the conſtitution itſelf. For neither the Lacedæmonians, the firſt inſtitutors of this way of living and talking, who at their daily meals recline upon a hard board; nor the Cretans, who never indulge themſelves in a lying poſture at table, have been more ſucceſsful in the management of public affairs than the Romans, who divide their time between buſineſs and pleaſure. Nay, let me add, that the Cretans were deſtroyed in a ſingle campaign; and the Lacedæmonians are indebted to our protection, for the preſervation of their laws and conſtitutions.

SECT. XXXVI. Therefore, Cato, cenſure not too ſeverely theſe cuſtoms of our anceſtors, which our preſent flouriſhing condition and the long continuance of our empire, ſufficiently juſtify. Q. Tubero, a man of learning in the days of our forefathers, and diſtinguiſhed by his birth and perſonal merit, had imbibed the ſame principles which you follow. When Q. Maximus, in memory of his uncle Africanus, was preparing an entertainment for the Roman people, he deſired this Tubero who was the ſon of Africanus's ſiſter, to furniſh out a dining-room on the occaſion. Upon which this learned ſtoic covered ſome plain wooden beds with goat-ſkins, and loaded them with earthen diſhes; as if they had been commemorating the death of Diogenes the cynic, and not of the great Africanus: a man ſo divine, that when Maximus pronounced his funeral oration, he thanked the immortal gods for his being a native of this commonwealth; becauſe to whatever place his ſervices were attached, there the empire of the univerſe could not fail to reſide. And indeed the people of Rome highly reſented this ill-judged wiſdom of Tubero, in celebrating the obſequies of ſo great a man. Accordingly, this unblemiſhed and excellent citizen, though the grandſon of L. Paulus, and the ſon of Africanus's ſiſter, was toſſed in thoſe goat-ſkins out of the prætorſhip. The people of Rome hate private luxury, but are fond of publick magnificence; they don't love profuſion in entertainments, but far leſs a ſordid penurious oeconomy: they know how to diſtinguiſh times and duties, and the viciſſitudes of labour and pleaſure. For as to your aſſertion, that nothing but merit ought to influence the minds of men, in conferring public honours; your own very practice, great as your merit is, runs directly counter to it. For why do you aſk any one to favour your pretenſions, and promote your ſuit? You requeſt me to grant you the command over me, and put myſelf under your authority. But why ſo? does it belong to you to requeſt that of me, or ought not I rather earneſtly to ſolicit you, to expoſe yourſelf to dangers and fatigues for my ſake? What do you mean by keeping a nomenclator? the thing itſelf is a meer

lute laborem periculumque ſuſcipias? (39.) Quid, quod habes nomenclatorem? in eo quidem fallis, & decipis. Nam ſi nomine appellari abs te cives tuos honeſtum eſt; turpe eſt eos notiores eſſe ſervo tuo quam tibi; ſint etiam noris, tamen per monitorem appellandi ſunt? cur ante petis, quam inſuſurravit? aut quid, cum admoneris, tamen quaſi tute noris, ita ſalutas? quid, poſteaquam es deſignatus, multo ſalutas negligentius? hæc omnia ad rationem civitatis ſi dirigas, recta ſunt: ſin perpendere ad diſciplinæ præcepta velis, reperiantur praviſſima. Quare nec plebi Romanæ eripiendi fructus iſti ſunt ludorum, gladiatorum, conviviorum; quæ omnia majores noſtri comparaverunt: nec candidatis iſta benignitas adimenda eſt, quæ liberalitatem magis ſignificat, quam largitionem.

XXXVII. At enim te ad accuſandum reſpub. adduxit. Credo, Cato, te iſto animo, atque ea opinione veniſſe: ſed tu imprudentia laberis. Ego quod facio, Judices, cùm amicitiæ dignitatiſque L. Murænæ gratia facio; tum me pacis, otii, concordiæ, libertatis, ſalutis, vitæ denique omnium veſtrûm cauſa facere clamo atque obteſtor. Audite, audite conſulem, Judices, nihil dicam arrogantius, tantum dicam, totos dies atque noctes de republica cogitantem. Non uſque eo L. Catilina rempublicam deſpexit atque contempſit, ut ea copia, quam ſecum eduxit, ſe hanc civitatem oppreſſurum arbitraretur; latius patet illius ſceleris contagio, quàm quiſquam putat: ad plures pertinet. (40.) Intus, intus, inquam, eſt equus Trojanus, à quo nunquam, me conſule, dormientes opprimemini. Quæris à me, quid ego Catilinam metuam? Nihil: & curavi ne quis metueret: ſed copias illius, quas hic video, dico eſſe metuendas: nec tam timendus eſt nunc exercitus L. Catilinæ, quàm iſti, qui illum exercitum deſeruiſſe dicuntur: non enim deſeruerunt; ſed ab illo in ſpeculis atque inſidiis relicti, in capite atque in cervicibus noſtris reſtiterunt; hi & integrum conſulem, & bonum imperatorem,

NOTES.

(39.) *Quid, quod habes nomenclatorem?*] As at Rome the people had much to give, and therefore expected to be much courted, every man, who aſpired to any publick dignity, made it his buſineſs to learn the name, the place, and the condition of every eminent citizen, what eſtate, what friends, and what neighbours he had. For this purpoſe he entertained a ſlave or two in his family, whoſe ſole employment it was to learn the names and know the perſons of every citizen at ſight, ſo as to be able to whiſper them to his maſter, as he paſſed through the ſtreets, that he might be ready to ſalute them all familiarly, and ſhake hands with them, as his particular acquaintance. Plutarch ſays, that the uſe of theſe nomenclators was contrary to the laws; and that Cato for that reaſon, in ſuing for the public offices, would not employ any of them, but took all that trouble upon himſelf. But that notion is here fully confuted by Cicero, who rallies the abſurd rigor of Cato's ſtoical principles, and their inconſiſtency with common life, from this very circumſtance of his having a nomenclator. As for Cicero himſelf, whatever pains he is ſaid to have taken in this way, it appears from ſeveral paſſages in his letters, that he conſtantly had a nomenclator at his elbow on all public occaſions.

(40.) *Intus, intus eſt equus Trojanus.*] The ſtory of the Trojan horſe is ſo well known,

cheat. For if it be your duty to call the citizens by their names, it is a ſhame for your ſlave to know them better than yourſelf: but if you really know them, where is the neceſſity for a monitor? why do you not ſpeak to them before he has whiſpered you? or, after he has whiſpered, why do you ſalute them, as if you knew them yourſelf? or, when you have gained your election, why do you grow careleſs about ſaluting them at all? All this, if examined by the rules of ſocial life, is right; but if by the precepts of your philoſophy, very wicked. Therefore neither are the people of Rome to be deprived of the gratification ariſing from ſhews, gladiators, and publick feaſts, all which our anceſtors have provided for our entertainment; nor are candidates to be excluded from the privilege of conferring thoſe favours, which are rather marks of generoſity than corruption.

SECT. XXXVII. But you tell me it was your regard for the commonwealth that induced you to undertake this impeachment. I eaſily believe, Cato, that you come here with that intention and deſign; but you obſtruct your own purpoſe, for want of due reflection. For my own part, my Lords, I am far from diſſembling, how much friendſhip, and a concern for Murena's dignity, weigh with me on this occaſion; but at the ſame time allow me to declare, nay and in the ſtrongeſt terms proclaim, that I am no leſs moved by a regard to the peace, eaſe, concord, liberty, lives, and ſafety of us all. Hear, hear your conſul, who, not to ſpeak arrogantly, thinks of nothing day and night but of the republick. Catiline does not deſpiſe us ſo far, as to hope to ſubdue this city with the force which he has carried out with him. The contagion is ſpread wider, and has infected more than you imagine. The Trojan horſe is within our walls; which, while I am conſul, ſhall never oppreſs you in your ſleep. If it be aſked then, what reaſon I have to fear Catiline? none at all; and I have taken care that no body elſe need fear him: yet I ſay, that we have cauſe to fear thoſe troops of his, which I ſee in this very place. Nor is his army ſo much to be dreaded, as thoſe who are ſaid to have deſerted it: for in truth they have not deſerted, but are left by him only as ſpies upon us, and placed as it were in ambuſh, to deſtroy us the more ſecurely. All theſe want to ſee a worthy conſul, an experienced general, a man both by nature and fortunes attached

NOTES.

known, from the elegant deſcription given of it by Virgil, that there is no occaſion to enlarge upon it here. I ſhall therefore content myſelf with obſerving, that our orator, by alluding to it in this place, means to inſinuate, that the danger with which the city was threatened, did not ariſe from thoſe who had followed Catiline, but from thoſe whom he left behind him in Rome.

ratorem, & natura & fortuna cum repub. ſalute conjunctum, dejici de urbis præſidio, & de cuſtodia civitatis veſtris ſententiis deturbari volunt. Quorum ego ferrum & audaciam rejeci in campo, debilitavi in foro, compreſſi etiam, domi meæ ſæpe, Judices; his vos ſi alterum conſulem tradideritis, plus multo erunt veſtris ſententiis, quàm ſuis gladiis conſecuti. Magni intereſt, Judices, id quod ego multis repugnantibus egi atque perfeci, eſſe Kalendis Januar. in repub. duos conſules. (41.) Nolite arbitrari, mediocribus conſiliis, aut uſitatis viis, aut lege improba, aut pernicioſa largitione auditum aliquando aliquod malum reipub. quæri. Inita ſunt in hac civitate conſilia, Judices, urbis delendæ, civium trucidandorum, nominis Romani exſtinguendi; atque hæc cives, cives, inquam, ſi eos hoc nomine appellari fas eſt, de patria ſua & cogitant, & cogitaverunt; horum ego quotidie conſiliis occurro, audaciam debilito, ſceleri reſiſto, ſed vos moneo, Judices: in exitu eſt jam meus conſulatus: nolite mihi ſubtrahere vicarium meæ diligentiæ: nolite adimere eum, cui remp. cupio tradere incolumem, ab his tantis periculis defendendam.

XXXVIII. Atque ad hæc mala, Judices, quid accedat aliud, non videtis? te, te appello, Cato: nonne proſpicis tempeſtatem anni tui? jam enim heſterna concione intonuit vox pernicioſa deſignati [tribuni] collegæ tui: contra quem multum tua mens, multum omnes boni providerunt, (42.) qui te ad tribunatus petitionem vocaverunt. Omnia, quæ per hoc triennium agitata ſunt jam ab eo tempore, quo à L. Catilina, & Cn. Piſone initum conſilium Senatus interficiendi ſcitis eſſe, in hos dies, in hos menſes, in hoc tempus erumpunt. Qui locus eſt, Judices? quod tempus? qui dies? quæ nox? cum ego non ex illorum inſidiis ac mucronibus non ſolum meo, ſed multo etiam magis divino conſilio eripiar atque evolem? neque iſti me meo nomine interfici, ſed vigilantem conſulem de reip. præſidio demovere volunt: nec minus vellent, Cato,

NOTES.

(41.) *Nolite arbitrari.*] This ſentence ſerves to confirm what is advanced immediately before: *Magna intereſt eſſe Kalendis Januarii in republica duo conſules.* The reaſon is implied in this ſentence immediately following; becauſe the commonwealth is threatened with a dangerous attack from the aſſociates and followers of Catiline. Theſe men, ſays he, propoſe not any common attempt againſt the ſtate; nor endeavour to ſpirit up the multitude by the promulgation of peſtilent laws, or the pernicious arts of corruption, which are the vulgar artifices of factious men: but by daring counſels, and methods hitherto unpractiſed, they aim at no leſs than the utter extinction of the commonwealth, a thing hitherto unheard of in this city. The deſigns are more fully explained afterwards: *Inita ſunt in hac civitate conſilia*, &c.

(42.) *Qui te ad tribunatus petitionem vocaverunt.*] We learn from Plutarch, in his life of Cato, that that Roman retiring into Lucania, to ſpend ſome time at an eſtate he had in the country, ſuddenly altered his mind, and by the perſuaſion of his friends returned the ſame day to Rome, with a view of offering himſelf a candidate for the tribuneſhip, that he might be the better able to oppoſe the pernicious deſigns of Metellus Nepos, who, as he was informed upon his journey, was making intereſt for the ſame dignity.

to the intereſts of the republick, driven by your ſentence from the guard and cuſtody of the city. I have already blunted their ſwords, and checked their audacious attempts in the field of Mars; I have baffled them in the forum, and repreſſed their rage even within my own houſe: but ſhould you on this occaſion give them up one of the conſuls, they will gain much more advantage by your deciſion, than they have been able to do by their ſwords. It is of great importance, my Lords, and what I have laboured and effected in ſpite of much oppoſition, that there be two conſuls in the commonwealth the firſt of January. Do not imagine, that in effect of moderate counſels, by common means, a peſtilent law, or the pernicious influence of corruption, the republick is threatened with no more than an ordinary danger. Deſigns have been hatched, my Lords, within this ſtate, to deſtroy the city, murder the citizens, and extinguiſh the Roman name. Citizens, citizens, my Lords, if it be not unlawful to call them by that name, have deviſed, and at this very time are deviſing all theſe miſchiefs againſt their country. I am daily employed in unravelling their pernicious ſchemes, cruſhing their audacious attempts, and oppoſing the torrent of their guilt. But ſuffer me to remind you, my Lords, that my conſulſhip is upon the point of expiring: withdraw not then him who is to ſucceed me in my vigilance and care: take not from me the man, to whom I wiſh to deliver over the commonwealth unviolated, that he may defend it from the mighty dangers to which it is expoſed.

SECT. XXXVIII. But, my Lords, do you not ſee the additional evils that threaten us? Here I addreſs you, Cato; have you no foreſight of the ſtorm that impends over your magiſtracy? For ſo early as yeſterday's aſſembly, the pernicious voice of your collegue elect thundered in our ears; againſt which your own prudence, and the joint concurrence of all the honeſt, who were ſo anxious to raiſe you to the tribuneſhip, have thought it neceſſary to uſe much precaution. All the pernicious ſchemes that have been in agitation for three years paſt, ſince the time that L. Catiline and Cn. Piſo formed the deſign of maſſacring the ſenate, are at this period and ſeaſon, and during theſe months, ready to burſt forth. Where is the place, my Lords, where the time, where the day, where the night, in which I have not been ſnatched and reſcued from the ſnares and ſwords of theſe traitors, leſs indeed by my own foreſight, than by the watchful care of the immortal gods. Nor did their attempts againſt me flow from perſonal hatred, but from their deſire to deprive the commonwealth of a conſul watchful for its preſervation: and believe me, Cato, they have the ſame deſigns againſt

Cato, te quoque aliqua ratione, ſi poſſent, tollere: id quod, mihi crede, & agunt, & moliuntur: vident quantum in te ſit animi, quantum ingenii, quantum auctoritatis, quantum reipub. præſidii: ſed cùm (43.) conſulari auctoritate & auxilio ſpoliatam vim tribunitiam viderint, tum ſe facilius inermem & debilitatum te oppreſſuros arbitrantur; nam ne ſufficiatur conſul, non timent: vident in tuorum poteſtate collegarum fore: ſperant ſibi Silanum, clarum virum, ſine collega, te ſine conſule, rempub, ſine præſidio objici poſſe. His tantis in rebus, tantiſque in periculis, eſt tuum, M. Cato, qui non mihi, non tibi, ſed patriæ natus es, videre quid agatur, retinere adjutorem, defenſorem, ſocium in republica, conſulem non cupidum, conſulem (quod maxime tempus hoc poſtulat) fortuna conſtitutum ad amplexandum otium, ſcientia ad bellum gerendum, animo & uſu ad quod velis negotium.

XXXIX. Quanquam hujuſce rei poteſtas omnis in vobis ſita eſt, Judices: totam rempub. vos in hac cauſa tenetis, vos gubernatis. Si L. Catilina cum ſuo conſilio nefariorum hominum, quos ſecum eduxit, hac de re poſſet judicare, condemnaret L. Murænam: ſi interficere poſſet, occideret; petunt enim rationes illius, ut orbetur auxilio reſp. ut minuatur, contra ſuum furorem imperatorum copia: ut major facultas Tribunis plebis detur, depulſo adverſario, ſeditionis ac diſcordiæ concitandæ. Idemne igitur delecti ampliſſimis ex ordinibus honeſtiſſimi atque ſapientiſſimi viri judicabunt, quod ille importuniſſimus, gladiator, hoſtis reipub. judicaret? Mihi credite, Judices, in hac cauſa non ſolum de L. Murænæ, verum etiam de veſtra ſalute ſententiam feretis; in diſcrimen extremum venimus: nihil eſt jam unde nos reficiamus, aut ubi lapſi reſiſtamus; non ſolum minuenda non ſunt auxilia quæ habemus; ſed etiam nova, ſi fieri poſſit, comparanda; (44.) hoſtis eſt enim non apud Anienem, quod bello Punico graviſſimum viſum eſt: ſed in urbe, in

NOTES.

(43.) *Conſulari auctoritate ſpoliatam vim tribunitiam.*] Cicero, the more effectually to convince Cato of the reaſonableneſs, as well as neceſſity of deſiſting from the preſent proſecution, obſerves, that Cato's own proſperity or danger, was inſeparably connected with that of Murena. For ſhould Murena be caſt, the conſpirators would thereby be delivered from a powerful enemy, whoſe vigour and great talents they dreaded: and Cato, deprived of his aid, would find himſelf ill able to withſtand the attempts of a daring and deſperate crew; the rather, as having drawn over ſome tribunes to their party, they would by their interpoſition be able to prevent a new election, and find it an eaſy matter to baffle the authority of Silanus, who would have no collegue to aſſiſt him in oppoſing their deſigns.

(44.) *Hoſtis eſt enim non apud Anienem.*] In the ſecond Punic war, when M. Fulvius the conſul was beſieging Capua, and had reduced it to ſuch extremities, that it muſt in a ſhort time ſurrender; Hannibal, the Carthaginian general, after ſeveral vain attempts to relieve it, came to a ſudden reſolution of inveſting Rome; hoping that Fulvius, alarmed at the danger which threatened his country, would quit the ſiege of Capua, and fly to the aſſiſtance of the capital. Accordingly he advanced with his army as far as the river Anio, and encamped within three miles of

gainſt you, could they by any means compaſs them; nay, at this very time they labour and are intent upon them. They are no ſtrangers to your courage, your capacity, your authority, and your abilities to defend the ſtate. But when they ſhall perceive the tribunician power, deſtitute of the conſular aid and authority, they think it will be more eaſy to oppreſs you in that weak and defenceleſs condition. For they are no way afraid of another conſul's being ſubſtituted in the room of Murena, becauſe they perceive that affair will be entirely in the power of your collegues. Thus are they in hopes, that the illuſtrious Silanus being without a collegue, and you without the aid of a conſul, the republick will be expoſed, naked, and defenceleſs to their attempts. Amidſt theſe important concerns, and imminent dangers, it is incumbent upon you, Cato, who are not born for me, or for yourſelf, but for your country, to weigh well the matter now before you, to preſerve your aſſiſtant, your defender, your aſſociate in the government, a conſul not ambitious, a conſul ſuch as the preſent juncture requires, whoſe fortune diſpoſes him to cheriſh tranquillity, whoſe experience fits him for the affairs of war, and whoſe abilities and ſpirit are equal to every purpoſe you can deſire.

SECT. XXXIX. But, my Lords, this whole affair depends entirely upon you; in the cauſe now before you, the preſervation and proſperity of the commonwealth reſt upon your deciſion. Was Catiline, and the band of profligates he has carried along with him, to have been judges in this affair, he would have eagerly condemned Murena; nay, could it have been effected, he would not have ſcrupled to aſſaſſinate him. His ſchemes require that the commonwealth be deprived of her ſupports, that the number of generals capable of oppoſing his fury be leſſened, that the tribunes of the people, having rid themſelves of ſo formidable an adverſary, be more at liberty to blow the flames of diſcord and ſedition. And ſhall men diſtinguiſhed for their integrity and wiſdom, ſelected from the moſt conſpicuous orders of the ſtate, paſs the ſame judgment, as would a moſt audacious gladiator, and declared enemy of his country? Believe me, my Lords, you are in this cauſe not only to determine the fate of Murena, but likewiſe to decide upon your own ſafeties. We are now come to the criſis and extremity of our danger; there is no reſource or recovery for us, if we now miſcarry; it is no time to throw away any of the helps which we have, but by all means poſſible to acquire more. The enemy is not

NOTES.

of Rome. This occaſioned ſome terror at firſt, and a debate aroſe in the ſenate about recalling Fulvius from Capua. But Fabius Maximus vigouroufly oppoſing this motion, ſoon changed the fear of the Romans into contempt; and Fulvius was permitted to continue the ſiege of Capua, which in a ſhort time after he compelled to ſurrender.

in foro: dii immortales! ſine gemitu hoc dici non poteſt: non nemo etiam in illo ſacrario reipub. in ipſa, inquam, curia non nemo hoſtis eſt. Dii faxint, ut meus collega, vir fortiſſimus, hoc Catilinæ nefarium latrocinium armatus opprimat: ego togatus, vobis, boniſque omnibus adjutoribus, hoc quod conceptum reſpublica periculum parturit, conſilio diſcutiam & comprimam. Sed quid tandem fiet, ſi hæc elapſa de manibus noſtris in eum annum, qui conſequitur, redundarint? (45.) Unus erit conſul, & is non in adminiſtrando bello, ſed in ſufficiendo collega occupatus; hunc jam qui impedituri ſint, * * Illa peſtis immanis, importuna, Catilinæ prorumpet, qua poterit: & jam populo Romano minatur: in agros ſuburbanos repente advolabit: verſabitur in caſtris furor, in curia timor, in foro conjuratio, in campo exercitus, in agris vaſtitas: omni autem in ſede ac loco ferrum flammamque metuemus; quæ jam diu comparantur, eadem iſta omnia, ſi ornata ſuis præſidiis erit reſpub. facili & magiſtratuum conſiliis, & privatorum diligentia opprimentur.

XL. Quæ cum ita ſint, Judices, primum reipub. cauſa, qua nulla res cuiquam potior debet eſſe, vos, pro mea ſumma & vobis cognita in rempub. diligentia, moneo, pro auctoritate conſulari hortor, pro magnitudine periculi obteſtor, ut otio, ut paci, ut ſaluti, ut vitæ veſtræ & cæterorum civium conſulatis: deinde ego (46.) fidem veſtram, vel defenſoris & amici officio adductus, oro atque obſecro, Judices, ut ne hominis miſeri, & cum corporis morbo, tum animi dolore confecti, L. Murænæ recentem gratulationem nova lamentatione obruatis; modò maximo beneficio populi Rom. ornatus, fortunatus videbatur, quòd primus in familiam veterem, primus in municipium antiquiſſimum, conſulatum attuliſſet: nunc idem ſqualore

NOTES.

(45.) *Unus erit conſul.*] Upon a ſuppoſition of Murena's being caſt, P. Silanus would have remained ſole conſul. This was the more dangerous at that time, as the daring and deſperate deſigns of the conſpirators, ſeemed more than ever to require the vigorous adminiſtration of two conſuls. Whereas by ſetting aſide one, and entangling the other in a diſpute with the tribunes about a new election, publick affairs would be neglected, and no meaſures could be properly taken, to avert the ſtorm that threatened to break upon the ſtate. This was the circumſtance which chiefly favoured Murena, it appearing neither ſafe nor prudent, in ſuch difficult times, and while a rebellion was actually on foot, to deprive the city of a conſul, who by a military education was the beſt qualified to defend it in ſo dangerous a criſis. Accordingly Cicero urges this conſideration here with all the warmth of rhetorick, and we find it had ſuch weight in the iſſue with the judges, that without any deliberation they unanimouſly acquitted Murena; and would not, as Cicero himſelf informs us, ſo much as hear the accuſation of men, the moſt eminent and illuſtrious.

(46.) *Fidem veſtram vel defenſoris.*] Manutius finds great perplexity in this paſſage, which he endeavours to remove by altering the reading. His words are: 'Hic mihi 'ſuſpicionem mendi varietas affert antiquo-'rum

not on the banks of the Anio, which was thought ſo terrible in the Punic war, but in the city and the forum. Good gods! (I cannot ſpeak it without a ſigh) there are ſome enemies in the very ſanctuary; ſome, I ſay, even in the ſenate! the gods grant, that my brave collegue may in arms be able to quell this impious rebellion of Catiline; whilſt I, in the gown, with the aſſiſtance of all the honeſt, will endeavour by the moſt prudent meaſures, to diſpel the other dangers with which the city is now big. But what will become of us, if they ſhould ſlip through our hands into the new year; and find but one conſul in the republick, and him employed, not in proſecuting the war, but in providing a collegue? Then this plague of Catiline will break out in all its fury. Already it threatens the people in the remoter parts of Italy, and will ſoon ſpread into the neighbourhood of Rome itſelf. Maſſacre and bloodſhed will take poſſeſſion of our camps, fear of our ſenate, faction and diſcord of the forum, armies of the field of Mars, and deſolation of our provinces; while the terrors of fire and ſword will purſue us through every haunt and retreat. Yet all theſe long projected evils may be eaſily diſpelled, by the wiſdom of our magiſtrates, and the zeal of the citizens, if we deprive not the commonwealth of the protection of her conſuls.

SECT. XL. In theſe circumſtances, my Lords, let me in the firſt place admoniſh you, out of regard to the commonwealth, which ought to be the deareſt object of affection to every citizen, and in conſideration of my unwearied, and by you experienced zeal for the intereſts of my country; let me, in conſequence of the authority I am cloathed with as conſul, exhort you, and from my ſenſe of the greatneſs of the danger conjure you, to be watchful over the eaſe, the peace, the welfare, the ſafety of your own lives, and thoſe of your fellow-citizens. In the next place, I intreat and requeſt, my Lords, out of friendſhip to Murena, and by all the ties that bind me to defend him, that you will not add a new load of affliction to one already overwhelmed with anguiſh of body and trouble of mind, nor convert his late congratulations into a flood of ſorrow. But a little ago, crowned with the higheſt honours the people of Rome can beſtow, he ſeemed the moſt fortunate of men, as being the firſt that introduced the conſulſhip into an old family, and

NOTES.

'rum exemplarium. In duobus, *veſtram*, 'abeſt: in altero legitur, *Fide in vos defenſoris*: unum cum pervulgatis libris con'ſentit. Placeret, *fide, defenſoris, et amici officio adductus*. Fides enim proprie defenſoris eſt, officium amici. Quid porro fidem 'hic judicum orare opus eſt? Quale autem 'videtur, (ut verba quoque conſideremus) *fidem veſtram oro?* Quæ ſi parum aut nihil 'habent momenti, diſſenſio certe veterum 'librorum contemnenda non videtur?'

lore ſordidus, confectus morbo, lacrymis ac mœrore perditus, veſter eſt ſupplex, Judices, veſtram fidem obteſtatur, miſericordiam implorat, veſtram poteſtatem ac veſtras opes intuetur. Nolite, per deos immortales, Judices, hac eum re, qua ſe honeſtiorum fore putavit, etiam cæteris ante partis honeſtatibus, atque omni dignitate fortunaque privare. Atque ita vos Muræna, Judices, orat atque obſecrat, ſi injuſte neminem læſit, ſi nullius aures voluptatemve violavit, ſi nemini, ut leviſſime dicam, odio nec domi, nec militiæ fuit; ſit apud vos modeſtiæ locus, ſit demiſſis hominibus perfugium, ſit auxilium pudori. Miſericordiam ſpoliatio conſulatus magnam habere debet, Judices: una enim eripiuntur cum conſulatu omnia; invidiam vero his temporibus habere conſulatus ipſe nullam poteſt; objicitur enim concionibus ſeditioſorum, inſidiis conjuratorum, telis Catilinæ: ad omne denique periculum, atque omnem invidiam ſolus apponitur. Quare quid invidendum Murænæ, aut cuiquam noſtrûm ſit in hoc præclaro conſulatu, non video, Judices; quæ vero miſeranda ſunt, & ea mihi ante oculos verſantur, & vos videre & perſpicere poteſtis.

XLI. Si (quod Jupiter omen avertat!) hunc veſtris ſententiis affixeritis, quo ſe miſer vertet? domumne? ut eam imaginem clariſſimi viri, parentis ſui, quam paucis ante diebus laureatam in ſua gratulatione conſpexit, eandem (47.) deformatam ignominia, lugentemque videat? an ad matrem, quæ miſera modo conſulem oſculata filium ſuum, nunc cruciatur & ſolicita eſt, ne eundem paulo poſt ſpoliatum omni dignitate conſpiciat? Sed quid ego matrem aut domum appello, quem nova pœna legis & domo, & parente, & omnium ſuorum conſuetudine conſpectuque privat? Ibit igitur in exſilium miſer? quo? ad Orientiſne partes, in quibus annos multos legatus fuit, & exercitus duxit, & res maximas geſſit? at habet magnum dolorem, unde cum honore deceſſeris, eodem cum ignominia reverti. An ſe in contrariam partem terrarum abdet, ut Gallia Tranſalpina, quem nuper ſummo cum imperio libentiſſime viderit, eundem lugentem, mœrentem, exſulem videat? in ea porro provincia, quo animo C. Muræna fratrem ſuum adſpiciet? qui hujus dolor? qui illius mœror erit? quæ utriuſque lamentatio? quanta autem

NOTES.

(47.) *Deformatam ignominia, lugentemque videat.*] This is a part of what rhetoricians call the peroration; by which they meant a pathetick addreſs to the judges, repreſenting the miſeries that would be conſequent upon the condemnation of the perſon accuſed, and endeavouring by a lively deſcription to excite compaſſion. Cicero, it muſt be owned, has ſucceeded very happily in this part, and given ſo ſtriking a picture of the heighth Murena would fall from, and the diſtreſs he would be expoſed to, by a rigorous ſentence, that no heart ſuſceptible of the feelings of humanity, can poſſibly withſtand the influence of it.

and one of the moſt ancient of the free-towns of Italy: now, cloathed in ſordid apparel, ſpent with diſeaſe, oppreſſed with tears and ſorrow, he is your ſuppliant, my Lords, he ſues to you for juſtice, he implores your compaſſion, and ſeeks protection from your power and intereſt. For heaven's ſake, my Lords, let not that by which he hoped for an addition to his rank, contribute to diveſt him of all his former honours, and of his whole dignity and fortune. For thus, my Lords, does Murena ſupplicate and addreſs you; if he has injured no man, if he never offended either in word or deed, if, to ſay the leaſt, he has incurred no man's hatred in peace or war; let your tribunal be an aſylum to moderation, a refuge to men in diſtreſs, and a place of protection to the modeſt. Great compaſſion, my Lords, is due to the man, who is ſtripped of the conſulſhip; for in loſing that, he loſes his all. But ſurely in theſe days there can be little reaſon for envying any one the poſſeſſion of that dignity; ſince he is thereby expoſed to the harangues of the ſeditious, the ſnares of conſpirators, and the attacks of Catiline: in ſhort, muſt ſingly oppoſe every danger, and all the attempts of malice. And therefore, my Lords, I cannot ſee what there is in this ſo much coveted office, why either Muræna, or any of us who are or have been poſſeſſed of it, ſhould become objects of publick envy. As to the many cares and ſolicitudes attending it, theſe are even now before my eyes, and cannot fail of being obvious and viſible to you.

SECT. XLI. If (which heaven forbid) your deciſion proves unfavourable, whither ſhall the unhappy Murena turn him? homewards? to behold the image of his illuſtrious father deformed with ignominy and covered with the marks of ſorrow, which he ſo lately ſaw adorned with laurel, the object of his congratulations? To his mother? who having but juſt embraced her ſon a conſul, is now racked with fear, and apprehenſive of ſeeing him deſpoiled of all his dignity? But why do I mention his mother, or his home, when the new penalty annexed to this law deprives him at once of parent, habitation, and the company and converſation of all his friends? Shall then the wretched Murena be baniſhed? but whither? To the eaſt, where he for many years ſerved as lieutenant, where he commanded great armies, and where he performed many glorious actions? Alas! it is a hard lot to return with ignominy to a country which we have left with honour. Shall he hide his head in the oppoſite part of the globe, and appear mournful, dejected, and an exile in Tranſalpine Gaul, which lately with pleaſure beheld him cloathed with ſupreme command? With what eyes can he look upon his brother C. Murena, in that province? what muſt be the anguiſh of the one? what the ſorrow of the other? and how

autem perturbatio fortunæ atque ſermonis, quòd, quibus in locis paucis antè diebus factum eſſe conſulem Murænam nuntii literæque celebraſſent, & unde hoſpites atque amici gratulatum Romam concurrerint, repente eò accedat ipſe nuntius ſuæ calamitatis? Quæ ſi acerba, ſi miſera, ſi luctuoſa ſunt, ſi alieniſſima à manſuetudine & miſericordia veſtra, Judices; conſervate populi Romani beneficium: reddite reipub. conſulem: date hoc ipſius pudori, date patri mortuo, date generi & familiæ, date etiam Lanuvio, municipio honeſtiſſimo, quod in hac cauſa frequens mœſtumque vidiſtis; nolite à ſacris patriis Junonis Soſpitæ, cui omnes conſules facere neceſſe eſt, domeſticum & ſuum conſulem potiſſimum avellere. (48.) Quem ego vobis, ſi quid habet, aut momenti commendatio, aut auctoritatis confirmatio mea, conſul conſulem, Judices, ita commendo, ut cupidiſſimum otii, ſtudioſiſſimum bonorum, acerrimum contra ſeditionem, fortiſſimum in bello, inimiciſſimum huic conjurationi, quæ nunc rempublicam labefactat, futurum eſſe promittam & ſpondeam.

NOTES.

(48.) *Quem ego,—Judices, ita commendo, ut,* &c.] We have already had occaſion to obſerve, that Murena was acquitted; and therefore ſhall here only add, that his adminiſtration fully anſwered the idea which Cicero, in this oration, endeavours to give of it; he proving an honeſt, faithful, and vigorous conſul, a zealous oppoſer of thoſe who ſought the ruin of their country, and an irreconcileable enemy to all factious magiſtrates. This oration was ſpoken towards the latter end of the ſix hundred and ninetieth year of the city, in the conſulſhip of Cicero and Antonius, a little before Murena took poſſeſſion of that high dignity.

ORA-

great the lamentation of both? What a reverſe of fortune and diſcourſe! that in the very place in which a few days before accounts arrived of Murena's being raiſed to the conſulſhip, and whence ſtrangers and friends flocked to pay him their compliments at Rome; there he himſelf ſhould firſt arrive with the tidings of his own diſgrace? If this, my Lords, appears a hard, a cruel, and a mournful lot, if ſhocking to your humanity and compaſſion; preſerve the favour beſtowed by the Roman people, reſtore to the commonwealth her conſul; ſhew this reſpect to the purity of Murena's virtue, to the memory of his deceaſed father, to his quality, to his family, and likewiſe to Lanuvium, that moſt honourable corporation, whoſe diſconſolate citizens you have ſeen attending in crowds during this whole trial. Tear not from the patriot rites of Juno Soſpita, which all conſuls are obliged to celebrate, a domeſtick conſul in whom ſhe has ſo peculiar a right. If my recommendation, my Lords, has any weight, if my aſſurances have any authority, I am ready to promiſe and engage for Murena, that he will prove a conſul zealous for the publick tranquillity, warmly attached to the friends of his country, keen in oppoſing ſedition, brave in all the enterprizes of war, and an irreconcileable enemy to this conſpiracy, which now ſhakes the pillars of the commonwealth.

ORA-

ORATIO IX.

Pro ARCHIA POETA *.

I. SIquid eſt in me ingenii, Judices, quod ſentio quàm ſit exiguum; aut ſi qua exercitatio dicendi, in qua me non inficior mediocriter eſſe verſatum; aut ſi hujuſce rei ratio aliqua ab optimarum artium ſtudiis, & diſciplinâ profecta, à qua ego nullum confiteor ætatis meæ tempus abhorruiſſe: earum rerum omnium vel in primis hic (1.) A. Licinius fructum à me repetere prope ſuo jure debet. Nam quoad longiſſime poteſt mens mea reſpicere ſpatium præteriti temporis; & pueritiæ memoriam recordari ultimam, inde uſque repetens, hunc video mihi principem, & ad ſuſcipiendam, & ad ingrediendam rationem horum ſtudiorum exſtitiſſe. Quòd ſi hæc vox hujus hortatu præceptiſque conformata, nonnullis aliquando ſaluti fuit; à quo id accepimus, quo cæteris opitulari, & alios ſervare poſſemus, huic profecto ipſi, quantum eſt ſitum in nobis, & opem & ſalutem ferre debemus. Ac ne quis à nobis hoc ita dici forte miretur, quòd alia quædam in hoc facultas ſit ingenii, neque hæc dicendi ratio aut diſciplina: ne nos quidem huic (2.) cuncti ſtudio penitus unquam dediti fuimus. Etenim omnes artes, quæ ad humanitatem pertinent, habent quoddam commune vinculum, & quaſi cognatione quadam inter ſe continentur.

II.

NOTES.

* A. Licinius Archias was a native of Antioch, and a very celebrated poet. He came to Rome when Cicero was about five years old, and was courted by men of the greateſt eminence in it, on account of his learning, genius, and politeneſs. Among others, Lucullus was very fond of him, took him into his family, and gave him the liberty of opening a ſchool in it, to which many of the young nobility and gentry of Rome were ſent for their education. In the conſulſhip of M. Pupius Piſo and M. Valerius Meſſala, one Gracchus, a perſon of obſcure birth, accuſed Archias upon the law, by which thoſe who were made free of any of the confederated cities, and at the time of paſſing the law dwelt in Italy, were obliged to claim their privilege before the prætor within ſixty days. Cicero, in this oration, endeavours to prove, that Archias was a Roman citizen, in the ſenſe of that law; but dwells

ORATION IX.

For the POET ARCHIAS.

SECT. I. IF, my Lords, I have any abilities, and I am ſenſible they are but ſmall; if, by ſpeaking often, I have acquired any merit as a ſpeaker; if I have derived any knowledge from the ſtudy of the liberal arts, which have ever been my delight, A. Licinius may juſtly claim the fruit of all. For looking back upon paſt ſcenes, and calling to remembrance the earlieſt part of my life, I find it was he, who prompted me firſt to engage in a courſe of ſtudy, and directed me in it. If my tongue, then, formed and animated by him, has ever been the means of ſaving any, I am certainly bound by all the ties of gratitude to employ it in the defence of him, who has taught it to aſſiſt and defend others. And though his genius and courſe of ſtudy are very different from mine, let no one be ſurprized at what I advance: for I have not beſtowed the whole of my time on the ſtudy of eloquence, and beſides, all the liberal arts are nearly allied to each other, and have, as it were, one common bond of union.

SECT.

NOTES.

dwells chiefly on the praiſes of poetry in general, and the talents and genius of the defendant, which he diſplays with great beauty, elegance, and ſpirit. The oration was made in the forty-ſixth year of Cicero's age, and the ſix hundred and ninety-ſecond of Rome.

(1.) *A. Licinius fructum a me repetere prope ſuo jure debet.*] Cicero was put early under the care of Archias, and applied himſelf chiefly to poetry, to which he was naturally addicted; he made ſuch a proficiency in it, that while he was ſtill a boy, he compoſed and publiſhed a poem, called *Glaucus Pontius*, which was extant in Plutarch's time.

(2.) *Cuncti.*] Inſtead of *cuncti* ſome of the commentators are for reading *uni*, others *curæ et*, either of which would indeed be better: but *cuncti* is retained in almoſt all the editions of Cicero's works, being ſupported by the authority of all the manuſcripts.

II. Sed ne cui veſtrum mirum eſſe videatur, me in quæſtione legitima, & in judicio publico, cum res agatur apud Prætorem populi Romani, lectiſſimum virum, & apud ſeveriſſimos judices, tanto conventu hominum ac frequentia, hoc uti genere dicendi, quod non modo à conſuetudine judiciorum, verum etiam à forenſi ſermone abhorreat: quæſo à vobis, ut in hac cauſa mihi detis hanc veniam, accommodatam huic reo, vobis, quemadmodum ſpero, non moleſtam; ut me pro ſummo poëta, atque eruditiſſimo homine, dicentem, hoc concurſu hominum literatiſſimorum, hac veſtra humanitate, hoc denique Prætore exercente judicium, patiamini de ſtudiis humanitatis ac literarum paullo loqui liberius: & in ejuſmodi perſona, quæ propter otium ac ſtudium minime in judiciis periculiſque tractata eſt, uti prope novo quodam & inuſitato genere dicendi. Quod ſi mihi à vobis tribui concedique ſentiam; perficiam profecto, ut hunc A. Licinium non modo non ſegregandum, cùm ſit civis, à numero civium; verum etiam ſi non eſſet, putetis aſciſcendum fuiſſe.

III. Nam ut primum ex pueris exceſſit Archias, atque ab iis artibus, quibus ætas puerilis ad humanitatem informari ſolet, ſe ad ſcribendi ſtudium contulit; primum Antiochiæ (nam ibi natus eſt, loco nobili, & celebri quondam urbe & copioſa, atque eruditiſſimis hominibus liberaliſſimiſque ſtudiis affluenti) celeriter antecellere omnibus ingenii gloriâ contigit; poſt in cæteris Aſiæ partibus, cunctæque Græciæ, ſic ejus adventus celebrabatur, ut famam ingenii exſpectatio hominis, exſpectationem ipſius adventus admiratioque ſuperaret. Erat Italia tunc plena Græcarum artium ac diſciplinarum: ſtudiaque hæc & in Latio vehementius tum colebantur, quàm nunc iiſdem in oppidis: & hîc Romæ propter tranquillitatem reipub. non negligebantur. Itaque hunc & Tarentini, & Rhegini, & Neapolitani civitate cæteriſque præmiis donarunt: & omnes, qui aliquid de ingeniis poterant judicare, cognitione, atque hoſpitio dignum exiſtimarunt. Hac tanta celebritate famæ cum eſſet jam abſentibus notus, Romam venit, Mario conſule, & Catulo; nactus eſt primùm conſules eos, quorum alter res ad ſcribendum maximas, (3) alter cùm res geſtas, tum etiam ſtudium atque aures adhibere poſſet; ſtatim Luculli, cum prætextatus etiam tum Archias eſſet, eum domum ſuam receperunt. Sed etiam hoc non ſolum ingenii ac literarum, verum etiam naturæ atque virtutis fuit, ut domus, quæ hujus adoleſcentiæ prima fuerit, eadem eſſet familiariſſima ſenectuti. Erat temporibus

NOTES.

(3.) *Alter cum res geſtas, &c.*] Cicero ſpeaks in very high terms of this Catulus, in his books *de Claris Oratoribus*, and *de Oratore*.

SECT. II. But leſt it ſhould appear ſtrange, that, in a legal proceeding, and a public cauſe, before an excellent prætor, the moſt impartial judges, and ſo crowded an aſſembly, I lay aſide the uſual ſtile of trials, and introduce one very different from that of the bar; I muſt beg to be indulged in this liberty, which, I hope, will not be diſagreeable to you, and which ſeems indeed to be due to the defendant: that whilſt I am pleading for an excellent poet, and a man of great erudition, before ſo learned an audience, ſuch diſtinguiſhed patrons of the liberal arts, and ſo eminent a prætor, you would allow me to enlarge with ſome freedom on learning and liberal ſtudies; and to employ an almoſt unprecedented language for one, who, by reaſon of a ſtudious and unactive life, has been little converſant in dangers and public trials. If this, my Lords, is granted me, I ſhall not only prove that A. Licinius ought not, as he is a citizen, to be deprived of his privileges, but that, if he were not, he ought to be admitted.

SECT. III. For no ſooner had Archias got beyond the years of childhood, and applied himſelf to poetry, after finiſhing thoſe ſtudies by which the minds of youth are uſually formed to a taſte for polite learning, than his genius ſhewed itſelf ſuperior to any at Antioch, the place where he was born, of a noble family; once indeed a rich and renowned city, but ſtill famous for liberal arts, and fertile in learned men. He was afterwards received with ſuch applauſe in the other cities of Aſia, and all over Greece, that though they expected more than fame had promiſed concerning him, even theſe expectations were exceeded, and their admiration of him greatly increaſed. Italy was, at that time, full of the arts and ſciences of Greece, which were then cultivated with more care among the Latins than now they are, and were not even neglected at Rome, the public tranquillity being favourable to them. Accordingly the inhabitants of Tarentum, Rhegium and Naples, made him free of their reſpective cities, and conferred other honors upon him; and all thoſe who had any taſte, reckoned him worthy of their acquaintance and friendſhip. Being thus known by fame to thoſe who were ſtrangers to his perſon, he came to Rome in the conſulſhip of Marius and Catulus; the firſt of whom had, by his glorious deeds, furniſhed out a noble ſubject for a poet; and the other, beſides his memorable actions, was both a judge and lover of poetry. Though he had not yet reached his ſeventeenth year, yet no ſooner was he arrived than the Luculli took him into their family; which, as it was the firſt that received him in his youth, ſo it afforded him freedom of acceſs even in old age; nor was this owing to his great genius and learning alone, but likewiſe to his amiable temper and

poribus illis jucundus Q. Metello illi Numidico, & ejus Pio filio: audiebatur à M. Æmilio: vivebat cum Q. Catulo, & patre & filio: à L. Craſſo colebatur: Lucullos vero, & Druſum, & Octavios, & Catonem, & totam Hortenſiorum domum devinctam conſuetudine cùm teneret, afficiebatur ſummo honore, quòd eum non ſolum colebant, qui aliquid percipere aut audire ſtudebant, verum etiam, ſi qui forte ſimulabant.

IV. Interim ſatis longo intervallo, cùm eſſet cum L. Lucullo in Siciliam profectus, & cùm ex ea provincia cum eodem Lucullo decederet, venit Heracleam. Quæ cùm eſſet civitas æquiſſimo jure ac fœdere, adſcribi ſe in eam civitatem voluit: idque, cùm ipſe per ſe dignus putaretur, tum auctoritate, & gratia Luculli ab Heraclienſibus impetravit. Data eſt civitas Silvani lege, & Carbonis, SI QUI FOEDERATIS CIVITATIBUS ADSCRIPTI FUISSENT: SI TUM, CUM LEX FEREBATUR, IN ITALIA DOMICILIUM HABUISSENT: ET SI SEXAGINTA DIEBUS APUD PRÆTOREM ESSENT PROFESSI. Cum hic domicilium Romæ multos jam annos haberet, profeſſus eſt apud Prætorem Q. Metellum, familiariſſimum ſuum. Si nihil aliud, niſi de civitate ac lege dicimus, nihil dico amplius: cauſa dicta eſt. Quid enim horum infirmari, Gracche, poteſt? Heracleæne eſſe eum adſcriptum negabis? adeſt vir ſumma auctoritate, & religione, & fide, M. Lucullus, qui ſe non opinari, ſed ſcire; non audiviſſe, ſed vidiſſe; non interfuiſſe, ſed egiſſe dicit. Adſunt Heraclienſes legati, nobiliſſimi homines, qui hujus judicii cauſa cum mandatis & cum publico teſtimonio venerunt, qui hunc adſcriptum Heraclienſem dicunt. Hic tu tabulas deſideras Heraclienſium publicas, quas Italico bello, incenſo tabulario, interiſſe ſcimus omnes. Eſt ridiculum ad ea quæ habemus nihil dicere; quærere quæ habere non poſſumus: & de hominum memoria tacere, literarum memoriam flagitare: &, cum habeas ampliſſimi viri religionem, integerrimi municipii jusjurandum fidemque, ea, quæ depravari nullo modo poſſunt, repudiare; tabulas quas idem dicis ſolere corrumpi, deſiderare. An domicilium Romæ non habuit is, qui tot annis ante civitatem datam, ſedem omnium rerum ac fortunarum ſuarum Romæ collocavit? At non eſt profeſſus; immo

virtuous diſpoſition. At that time too, Q. Metellus Numidicus, and his ſon Pius, were delighted with his converſation; M. Æmilius was one of his hearers; Q. Catulus, both the elder and younger honoured him with their intimacy; L. Craſſus courted him; and being united, by the greateſt familiarity, to the Luculli, Druſus, the Octavii, Cato, and the whole Hortenſian family, it was no ſmall honor to him, to receive marks of the higheſt regard, not only from thoſe who were really deſirous of hearing him and being inſtructed by him, but even from thoſe who affected to be ſo.

SECT. IV. A conſiderable time after, he went with L. Lucullus into Sicily, and leaving that province in company with the ſame Lucullus, came to Heraclea, which being joined with Rome by the cloſeſt bonds of alliance, he was deſirous of being made free of it; and obtained his requeſt, both on account of his own merit, and the intereſt and authority of Lucullus. Strangers were admitted to the freedom of Rome, according to the law of Silvanus and Carbo, upon the following conditions: *If they were enrolled by free cities; if they had a dwelling in Italy, when the law paſſed; and if they declared their enrollment before the prætor within the ſpace of ſixty days.* Agreeable to this law, Archias, who had reſided at Rome for many years, made his declaration before the prætor Q. Metellus, who was his intimate friend. If the right of citizenſhip and the law is all I have to prove, I have done; the cauſe is ended. For which of theſe things, Gracchus, can you deny? Will you ſay that he was not made a citizen of Heraclea at that time? Why, here is Lucullus, a man of the greateſt credit, honor, and integrity, who affirms it; and that not as a thing he believes, but as what he knows; not as what he heard of, but as what he ſaw; not as what he was preſent at, but as what he tranſacted. Here are likewiſe deputies from Heraclea, who affirm the ſame; men of the greateſt quality, come hither on purpoſe to give public teſtimony in this cauſe. But here you'll deſire to ſee the public regiſter of Heraclea, which we all know was burnt in the Italian war, together with the office wherein it was kept. Now is it not ridiculous to ſay nothing to the evidences which we have, and to deſire thoſe which we cannot have; to be ſilent as to the teſtimony of men, and to demand the teſtimony of regiſters; to pay no regard to what is affirmed by a perſon of great dignity, nor to the oath and integrity of a free city of the ſtricteſt honor, evidences which are incapable of being corrupted, and to require thoſe of regiſters which you allow to be frequently vitiated. But he did not reſide at Rome: what he, who for ſo many years before Silvanus's law made Rome the ſeat of all his hopes and fortune. But he did not declare; ſo far is this from being true, that his declaration is to be ſeen in that regiſter, which,

immo vero iis tabulis profeſſus, quæ ſolæ ex illa profeſſione, collegioque Prætorum obtinet publicarum tabularum auctoritatem.

V. Nam cum Appii tabulæ negligentius aſſervatæ dicerentur; Gabinii, quamdiu incolumis fuit, levitas, poſt damnationem, calamitas, omnem tabularum fidem reſignaſſet; Metellus, homo ſanctiſſimus modeſtiſſimumque omnium, tanta diligentia fuit, ut ad L. Lentulum Prætorem, & ad judices venerit, & unius nominis liturâ ſe commotum eſſe dixerit. His igitur tabulis nullam lituram in nomen A. Licinii videtis. Quæ cum ita ſint, quid eſt quòd de ejus civitate dubitetis, præſertim cum aliis quoque in civitatibus fuerit adſcriptus? Etenim cum mediocribus multis, & aut nulla, aut humili aliqua arte præditis, gratuito civitatem in Græcia homines impertiebantur; Rheginos credo, aut Locrenſes, aut Neapolitanos, aut Tarentinos, quod ſcenicis artificibus largiri ſoleant, id huic ſumma ingenii prædito gloria, noluiſſe? Quid? cum cæteri non modo (4.) poſt civitatem datam, ſed etiam (5.) poſt legem Papiam, aliquo modo in eorum municipiorum tabulas irrepſerint; hic, qui nec utitur quidem illis, in quibus eſt ſcriptus, quod ſemper ſe Heraclienſem eſſe voluit, rejicietur? Cenſus noſtros requiris ſcilicet. Eſt enim obſcurum, proximis cenſoribus, hunc cum clariſſimo imperatore L. Lucullo apud exercitum fuiſſe: ſuperioribus, cum eodem Quæſtore fuiſſe in Aſia; primis, Julio & Craſſo, nullam populi partem eſſe cenſam. Sed quoniam cenſus non jus civitatis confirmat, ac tantummodo indicat, eum, qui ſit cenſus, ita ſe jam tum geſſiſſe pro cive: iis temporibus, quæ tu criminaris, ne ipſius quidem judicio eum in civium Rom. jure eſſe verſatum, & teſtamentum ſæpe fecit noſtris legibus, & adiit hæreditates civium Rom. & (6.) in beneficiis ad ærarium delatus eſt à L. Lucullo Prætore & Conſule.

VI. Quære argumenta, ſi qua potes: nunquam enim hic neque ſuo, neque amicorum judicio revincetur. Quæres à nobis, Gracche, cur tantopere hoc homine delectemur? quia ſuppeditat nobis, ubi & animus ex hoc forenſi ſtrepitu reficiatur, & aures convicio defeſſæ conquieſcant. An tu exiſtimas, aut ſuppetere nobis poſſe, quod quotidie dicamus in tanta varietate rerum, niſi animos noſtros doctrinâ excolamus: aut ferre animos tantam poſſe contentionem, niſi

NOTES.

(4.) *Poſt civitatem datam.*] This refers to the law made by Silvanus and Carbo, which is mentioned before.

(5.) *Poſt legem Papiam.*] This law derived its name from one Papius, a tribune of the people, who reſtored the law made by Petronius, whereby ſtrangers were forbid to enjoy the privileges of citizens.

(6.) *In beneficiis ad ærarium delatus eſt.*] It was uſual for the Roman generals to recommend thoſe to the treaſury, who, in the courſe of a war, had done any conſiderable ſervice to the ſtate; which recommendation, as it did them no ſmall honour, ſo it contributed not a little to their advancement.

by that very act, and its being in the cuſtody of the college of prætors, is the only authentic one.

SECT. V. For the negligence of Appius, the corruption of Gabinius before his condemnation, and his diſgrace after, having deſtroyed the credit of public records; Metellus, a man of the greateſt honor and modeſty, was ſo very exact, that he came before Lentulus the prætor and the other judges, and declared that he was uneaſy at the erazure of a ſingle name. The name of A. Licinius therefore is ſtill to be ſeen; and as this is the caſe, why ſhould you doubt of his being a citizen of Rome, eſpecially as he was enrolled likewiſe in other free cities? For when Greece beſtowed the freedom of its cities, without the recommendation of merit, upon perſons of little conſideration, and thoſe who had either no employment at all, or very mean ones, is it to be imagined that the inhabitants of Rhegium, Locris, Naples, or Tarentum would deny to a man ſo highly celebrated for his genius, what they conferred even upon comedians? When others, not only after Silanus's law, but even after the Papian law, ſhall have found means to creep into the regiſters of the municipal cities, ſhall he be rejected, who, becauſe he was always deſirous of paſſing for an Heraclean, never availed himſelf of his being enrolled in other cities? But you deſire to ſee the enrolment of our eſtate; as if it were not well known, that under the laſt cenſorſhip the defendant was with the army commanded by that renowned general L. Lucullus; that under the cenſorſhip immediately preceding, he was with the ſame Lucullus then quæſtor in Aſia; and that, when Julius and Craſſus were cenſors, there was no enrolment made? But, as an enrolment in the cenſor's books does not confirm the right of citizenſhip, and only ſhews that the perſon enrolled aſſumed the character of a citizen, I muſt tell you that Archias made a will according to our laws, ſucceeded to the eſtates of Roman citizens, and was recommended to the treaſury by L. Lucullus, both when prætor and conſul, as one who deſerved well of the ſtate, at the very time when you alledge that, by his own confeſſion, he had no right to the freedom of Rome.

SECT. VI. Find out whatever arguments you can, Archias will never be convicted for his own conduct, nor that of his friends. But you'll no doubt aſk the reaſon, Gracchus, of my being ſo highly delighted with this man? Why, it is becauſe he furniſhes me with what relieves my mind and charms my ears, after the fatigue and noiſe of the forum. Do you imagine that I could poſſibly plead every day on ſuch a variety of ſubjects, if my mind was not cultivated with ſcience; or that it could bear being ſtretched to ſuch a degree, if it were not ſometimes unbent by the amuſements of

niſi eos doctrinâ eadem relaxemus? Ego vero fateor, me his ſtudiis eſſe deditum: cæteros pudeat, ſi qui ita ſe literis abdiderunt, ut nihil poſſint ex his neque ad communem afferre fructum, neque in adſpectum lucemque proferre. Me autem quid pudeat, qui tot annos ita vivo, Judices, ut ab nullius unquam me tempore, aut commodum, aut otium meum abſtraxerit, aut voluptas avocarit, aut denique ſomnus retardarit? Quare quis tandem me reprehendat, aut quis mihi jure ſuccenſeat, ſi, quantum cæteris ad ſuas res obeundas, quantum ad feſtos dies ludorum celebrandos, quantum ad alias voluptates, & ad ipſam requiem animi & corporis conceditur temporis; quantum alii tribuunt (7.) tempeſtivis conviviis, quantum denique aleæ, quantum pilæ; tantum mihi egomet ad hæc ſtudia recolenda ſumpſero? Atque hoc adeo mihi concedendum eſt magis, quod ex his ſtudiis, hæc quoque creſcit oratio, & facultas: quæ quantacunque in me eſt, nunquam amicorum periculis defuit; quæ ſi cui levior videtur; illa quidem certe, quæ ſumma ſunt, ex quo fonte hauriam, ſentio. Nam niſi multorum præceptis, multiſque literis mihi ab adoleſcentia ſuaſiſſem, nihil eſſe in vita magnopere expetendum, niſi laudem atque honeſtatem; in ea autem perſequenda omnes cruciatus corporis, omnia pericula mortis atque exſilii parvi eſſe ducenda: nunquam me pro ſalute veſtra in tot ac tantas dimicationes, atque in hos profligatorum hominum quotidianos impetus objeciſſem. Sed pleni omnes ſunt libri, plenæ ſapientium voces, plena exemplorum vetuſtas: quæ jacerent in tenebris omnia, niſi literarum lumen accederet. Quam multas nobis imagines, non ſolum ad intuendum, verum etiam ad imitandum, fortiſſimorum virorum expreſſas, ſcriptores & Græci & Latini reliquerunt? quas ego mihi ſemper in adminiſtranda repub. proponens, animum & mentem meam ipſa cogitatione hominum excellentium conformabam.

VII. Quæret quiſpiam, quid? illi ipſi ſummi viri, quorum virtutes literis proditæ ſunt, iſtane doctrina, quam tu laudibus effers, eruditi fuerunt? Difficile eſt hoc de omnibus conformare: ſed tamen eſt certum, quod reſpondeam. Ego multos homines excellenti animo ac virtute fuiſſe, & ſine doctrina, naturæ ipſius habitu prope divino, per ſeipſos & moderatos, & graves exſtitiſſe fateor; etiam illud adjungo, ſæpius ad laudem atque virtutem naturam ſine doctrina, quam ſine natura valuiſſe doctrinam; atque idem ego contendo, cum ad naturam eximiam atque illuſtrem acceſſerit ratio quædam conformatioque doctrinæ; tum illud neſcio quid præclarum ac ſingulare ſolere exſiſtere. Ex hoc eſſe hunc numero, quem patres noſtri viderunt, divinum hominem, Africanum: ex hoc C. Lælium,

L.

NOTES.

(7.) *Tempeſtivis conviviis.*] Such entertainments as began before the ordinary hour, which was about nine, or our three-a-clock, and were lengthened out till late at night, were called *tempeſtiva convivia*.

learning. I am fond of these studies, I own: let those be ashamed who have buried themselves in learning so as to be of no use to society, nor able to produce any thing to public view; but why should I be ashamed, who for so many years, my Lords, have never been prevented by indolence, seduced by pleasure, nor diverted by sleep, from doing good offices to others? Who then can censure me, or in justice be angry with me, if those hours which others employ in business, in pleasures, in celebrating public solemnities, in refreshing the body and unbending the mind; if the time which is spent by some in midnight banquetings, in diversions, and in gaming, I employ in reviewing these studies? And this application is the more excusable, as I derive no small advantages from it in my profession, in which whatever abilities I possess, they have always been employed when the dangers of my friends called for their assistance. If they should appear to any to be but small, there are still other advantages of a much higher nature, and I am very sensible whence I derive them. For had I not been convinced from my youth by much instruction and much study, that nothing is greatly desirable in life but glory and virtue, and that, in the pursuit of these, all bodily tortures, and the perils of death and exile are to be slighted and despised, never should I have exposed myself to so many and so great conflicts for your preservation, nor to the daily rage and violence of the most worthless of men. But on this head books are full, the voice of the wise is full, antiquity is full; all which, were it not for the lamp of learning, would be involved in thick obscurity. How many pictures of the bravest of men have the Greek and Latin writers left us, not only to contemplate, but likewise to imitate? These illustrious models I always set before me in the government of the state, and formed my conduct by contemplating their virtues.

SECT. VII. But were those great men, it will be asked, who are celebrated in history, distinguished for that kind of learning, which you extol so highly? It were difficult indeed, to prove this of them all; but what I shall answer is, however, very certain. I own then that there have been many men of excellent dispositions and distinguished virtue, who, without learning, and by the almost divine force of nature herself, have been wise and moderate; nay further, that nature without learning is of greater efficacy towards the attainment of glory and virtue, than learning without nature; but then, I affirm, that when to an excellent natural disposition the embellishments of learning are added, there results from this union something great and extraordinary. Such was that divine man Africanus, whom our fathers saw; such were C. Lælius and L. Furius, persons of the greatest temperance and moderation; such was old

Cato,

L. Furium, modeſtiſſimos homines, & continentiſſimos: ex hoc fortiſſimum virum, & illis temporibus doctiſſimum, (8.) M. Catonem illum ſenem: qui profecto, ſi nihil ad percipiendam colendamque virtutem literis adjuvarentur, nunquam ſe ad earum ſtudium contuliſſent. Quod ſi non hic tantus fructus oſtenderetur, ſi ex his ſtudiis delectatio ſola peteretur: tamen, ut opinor, hanc animi remiſſionem humaniſſimam, ac liberaliſſimam judicaretis. Nam cætera, neque temporum ſunt, neque ætatum omnium, neque locorum: at hæc ſtudia adoleſcentiam alunt, ſenectutem oblectant, ſecundas res ornant, adverſis perfugium ac ſolatium præbent; delectant domi, non impediunt foris; pernoctant nobiſcum, peregrinantur, ruſticantur. Quod ſi ipſi hæc neque attingere, neque ſenſu noſtro guſtare poſſemus, tamen ea mirari deberemus, etiam cùm in aliis videremus.

VIII. Quis noſtrûm tam animo agreſti ac duro fuit, (9.) ut Roſcii morte nuper non commoveretur? qui, cum eſſet ſenex, mortuus, tamen, propter excellentem artem ac venuſtatem, videbatur omnino mori non debuiſſe. Ergo ille corporis motu tantum amorem ſibi conciliarat à nobis omnibus: nos animorum incredibiles motus, celeritatemque ingeniorum negligemus? Quoties ego hunc Archiam vidi, Judices, (utar enim veſtra benignitate, quoniam me in hoc novo genere dicendi tam diligenter attenditis) quoties ego hunc vidi, cum literam ſcripſiſſet nullam, magnum numerum optimorum verſuum de his ipſis rebus, quæ tum agerentur, dicere ex tempore? quoties revocatum eandem rem dicere commutatis verbis atque ſententiis? quæ vero accurate cogitateque ſcripſiſſet, ea ſic vidi probari, ut ad veterum ſcriptorum laudem pervenirent. Hunc ego non diligam? non admirer? non omni ratione defendendum putem? Atqui ſic à ſummis hominibus eruditiſſimiſque accepimus, cæterarum rerum ſtudia, & doctrina, & præceptis, & arte conſtare; poetam natura ipſa valere, & mentis viribus excitari, & quaſi divino quodam ſpiritu inflari. Quare ſuo jure noſter ille Ennius ſanctos appellat poetas, quod quaſi deorum aliquo dono atque munere commendati nobis eſſe videantur. Sit igitur, Judices, ſanctum apud vos, humaniſſimos homines, hoc poetæ nomen, quod nulla unquam barbaries violavit.

Saxa

NOTES.

(8.) *M. Catonem illum ſenem.*] Cicero, in his piece *de claris Oratoribus*, and in that *de ſenectute*, makes frequent mention of the eloquence of this M. Cato, who applied himſelf to the ſtudy of the Greek language when very old.

(9.) *Ut Roſcii morte nuper non commoveretur.*] This was Roſcius the comedian, whoſe extraordinary merit in his art had recommended him to the friendſhip and familiarity of the greateſt men in Rome. His daily pay for acting is ſaid to have been about thirty pounds. From the character which Cicero gives of him, we cannot but entertain a very high opinion of his merit; for he tells us, that while he made the firſt figure on the ſtage for his art, he was worthy of the ſenate for his virtue.

Cato, a man of great bravery, and for the times, of great learning; who, ſurely, would never have applied to the ſtudy of learning, had they thought it of no ſervice towards the acquiſition and improvement of virtue. But were pleaſure only to be derived from learning without the advantages we have mentioned, you muſt ſtill, I imagine, allow it to be a very liberal and polite amuſement. For other ſtudies are not ſuited to every time, to every age, and to every place; but theſe give ſtrength in youth, and joy in old age; adorn proſperity, and are the ſupport and conſolation of adverſity; at home they are delightful, and abroad they are eaſy; at night they are company to us; when we travel they attend us; and, in our rural retirements they do not forſake us. Though we ourſelves were incapable of them, and had no reliſh for their charms, ſtill we ſhould admire them, when we ſee them in others.

SECT. VIII. Was there any of us ſo void of taſte, and of ſo unfeeling a temper, as not to be affected lately with the death of Roſcius? For though he died in an advanced age, yet ſuch was the excellence and inimitable beauty of his art, that we thought him worthy of living for ever. Was he then ſo great a favourite with us all on account of the graceful motions of his body; and ſhall we be inſenſible to the ſurpriſing energy of the mind, and the ſprightly ſallies of genius? How often have I ſeen this Archias, my Lords, (for I will preſume on your goodneſs, as you are pleaſed to favour me with ſo much attention in this unuſual manner of pleading,) how often, I ſay, have I ſeen him, without uſing his pen, and without any labour or ſtudy, make a great number of excellent verſes on occaſional ſubjects? How often, when a ſubject was reſumed, have I heard him give it a different turn of thought and expreſſion, whilſt thoſe compoſitions which he finiſhed with care and exactneſs were as highly approved as the moſt celebrated writings of antiquity. And ſhall not I love this man? Shall I not admire him? Shall I not defend him to the utmoſt of my power? For men of the greateſt eminence and learning have taught us that other branches of ſcience require education, art, and precept; but that a poet is formed by the plaſtic hand of nature herſelf, is quickened by the native fire of genius, and animated as it were by a kind of divine enthuſiaſm. It is with juſtice therefore that our Ennius beſtows upon poets the epithet of *venerable*, becauſe they ſeem to have ſome peculiar gifts of the gods to recommend them to us. Let the name of poet then, which the moſt barbarous nations have never profaned, be revered by you, my Lords, who are ſo great admirers of polite learning. Rocks and deſarts re-echo ſounds; ſa-

(10.) Saxa & ſolitudines voci reſpondent, beſtiæ ſæpe immanes cantu flectuntur, atque conſiſtunt: nos inſtituti rebus optimis non poetarum voce moveamur? Homerum Colophonii civem eſſe dicunt ſuum, Chii ſuum vindicant, Salaminii repetunt, Smyrnæi vero ſuum eſſe confirmant; itaque etiam delubrum ejus in oppido dedicaverunt; permulti alii præterea pugnant inter ſe, atque contendunt.

IX. Ergo illi alienum, quia poeta fuit, poſt mortem etiam expetunt: nos hunc vivum, qui & voluntate & legibus noſter eſt, repudiamus? præſertim cum omne olim ſtudium, atque omne ingenium contulerit Archias ad populi Romani gloriam laudemque celebrandam; nam & Cimbricas res adoleſcens attigit, & ipſi illi (11.) C. Mario, qui durior ad hæc ſtudia videbatur, jucundus fuit. Neque enim quiſquam eſt tam averſus à Muſis, qui non mandari verſibus æternum ſuorum laborum facile præconium patiatur. Themiſtoclem illum, ſummum Athenis virum, dixiſſe aiunt, cum ex eo quæreretur, quod acroama, aut cujus vocem libentiſſime audiret: Ejus, à quo ſua virtus optime prædicaretur. Itaque ille Marius item eximie L. Plotium dilexit; cujus ingenio putabat ea, quæ geſſerat, poſſe celebrari. Mithridaticum vero bellum magnum atque difficile, & in multa varietate terra marique verſatum, totum ab hoc expreſſum eſt: qui libri non modo L. Lucullum, fortiſſimum & clariſſimum virum, verum etiam populi Romani nomen illuſtrant. Populus enim Rom. aperuit, Lucullo imperante, Pontum, & regiis quondam opibus & ipſa natura regionis vallatum: populi Romani exercitus, eodem duce, non maxima manu, innumerabiles Armeniorum copias fudit: populi Rom. laus eſt, urbem amiciſſimam Cyzicenorum, ejuſdem conſilio, ex omni impetu regio, ac totius belli ore ac faucibus ereptam eſſe atque conſervatam: noſtra ſemper feretur & prædicabitur, L. Lucullo dimicante, cum interfectis ducibus depreſſa hoſtium claſſis, & incredibilis apud Tenedum pugna illa navalis: noſtra ſunt tropæa, noſtra monumenta, noſtri triumphi; quia quorum ingeniis hæc feruntur, ab iis populi Rom. fama celebratur. (12.) Carus fuit Africano ſuperiori noſter Ennius: itaque etiam in ſepulcro

NOTES.

(10.) *Saxa & ſolitudines voce reſpondent, &c.*] Several commentators ſuppoſe that Cicero here alludes to the fable of Orpheus, whom the poets, in order to repreſent to us the powerful efficacy of poetry, feign to have charmed tygers, lions, woods, and trees, by the muſic of his harp. Accordingly they refer *voce* and *cantu* to the ſame thing: but there ſeems to be no foundation for this ſuppoſition, which renders the ſenſe of the paſſage leſs beautiful; and deſtroys, in ſome meaſure, the gradation in the orator's reaſoning.

(11.) *C. Mario, qui durior ad hæc ſtudia videbatur.*] The merit of Marius was altogether military; he was void of every accompliſhment of learning, which he openly affected to deſpiſe.

(12.) *Carus fuit Africano ſuperiori noſter Ennius.*] Ennius was an antient poet, born at Rudiæ, a town of Calabria. He wrote ſeveral things, of which only a few fragments have reached us. Hear what Horace ſays of him,

Ennius ipſe pater nunquam niſi potus ad arma
Proſiluit dicenda. Scipio

vage beaſts are often ſoothed by muſic, and liſten to its charms; and ſhall we, with all the advantages of the beſt education, be unaffected with the voice of poetry? The Colophonians give out that Homer is their countryman, the Chians declare that he is theirs, the Salaminians lay claim to him, the people of Smyrna affirm that Smyrna gave him breath, and have accordingly dedicated a temple to him in their city: Beſides theſe, many other nations contend warmly for this honour.

SECT. IX. Do they then lay claim to a ſtranger even after his death, on account of his being a poet; and ſhall we reject this living poet, who is a Roman both by inclination and the laws of Rome; eſpecially as he has employed the utmoſt efforts of his genius to celebrate the glory and grandeur of the Roman people? For, in his youth, he ſung the triumphs of C. Marius over the Cimbri, and even pleaſed that great general, who had but little reliſh for the charms of poetry. Nor is there any perſon ſo great an enemy to the Muſes, as not readily to allow the poet to blazon his fame, and conſecrate his actions to immortality. Themiſtocles, that celebrated Athenian, upon being aſked what muſic, or whoſe voice was moſt agreeable to him, is reported to have anſwered, *that man's, who could beſt celebrate his virtues.* The ſame Marius too had a very high regard for L. Plotius, whoſe genius, he thought, was capable of doing juſtice to his actions. But Archias has deſcribed the whole Mithridatic war; a war of ſuch danger and importance, and ſo very memorable for the great variety of its events both by ſea and land: Nor does his poem reflect honour only on L. Lucullus, that very brave and renowned man, but likewiſe adds luſtre to the Roman name. For under Lucullus, the Roman people penetrated into Pontus, impregnable till then by means of its ſituation and the arms of its monarchs; under him, the Romans, with no very conſiderable force, routed the numberleſs troops of the Armenians; under his conduct too, Rome has the glory of delivering Cyzicum, the city of our faithful allies, from the rage of a monarch, and reſcuing it from the devouring jaws of a mighty war. The praiſes of our fleet ſhall ever be recorded and celebrated, for the wonders performed at Tenedos, where the enemy's ſhips were ſunk, and their commanders ſlain: Such are our trophies, ſuch our monuments, ſuch our triumphs. Thoſe therefore, whoſe genius deſcribes theſe exploits, celebrate likewiſe the praiſes of the Roman name. Our Ennius was greatly beloved by the elder Africanus,

NOTES.

Scipio Africanus had a great regard for him; and, according to Valerius Maximus, erected his ſtatue among the monuments of the Cornelian family.

ſepulcro Scipionum putatur is eſſe conſtitutus è marmore. At iis laudibus certe non ſolum ipſi, qui laudantur, ſed etiam populi Rom. nomen ornatur. (13.) In cælum hujus proavus Cato tollitur: magnus honos populi Rom. rebus adjungitur; omnes denique illi Maximi, Marcelli, Fulvii non ſine communi omnium noſtrûm laude decorantur.

X. Ergo illum, qui hæc fecerat, Rudium hominem majores noſtri in civitatem receperunt: nos hunc Heraclienſem, multis civitatibus expetitum, in hac autem legibus conſtitutum, de noſtra civitate ejiciemus? Nam ſi quis minorem gloriæ fructum putat ex Græcis verſibus percipi, quam ex Latinis, vehementer errat: propterea quod Græca leguntur in omnibus fere gentibus, Latina ſuis finibus, exiguis ſane, continentur. Quare, ſi res hæ, quas geſſimus, orbis terræ regionibus definiuntur; cupere debemus, quo minus manuum noſtrarum tela pervenerint, eodem gloriam famamque penetrare: quod cùm ipſis populis, de quorum rebus ſcribitur, hæc ampla ſunt; tum iis certe, qui de vita gloriæ cauſa dimicant, hoc maximum & periculorum incitamentum eſt, & laborum. Quam multos ſcriptores rerum ſuarum magnus ille Alexander ſecum habuiſſe dicitur? Atque is tamen cùm in Sigeo ad Achillis tumulum adſtitiſſet, O fortunate, inquit, adoleſcens, qui tuæ virtutis Homerum præconem inveneris. Et vere; nam niſi Ilias illa exſtitiſſet, idem tumulus, qui corpus ejus contexerat, nomen etiam obruiſſet. Quid? noſter hic Magnus, qui cum virtute fortunam adæquavit, nonne Theophanem Mitylenæum, ſcriptorem rerum ſuarum, in concione militum civitate donavit? & noſtri illi fortes viri, ſed ruſtici ac milites, dulcedine quadam gloriæ commoti, quaſi participes ejuſdem laudis, magno illud clamore approbaverunt? Itaque, credo, ſi civis Rom. Archias legibus non eſſet, ut ab aliquo imperatore civitate donaretur, perficere non potuit. Sulla, cum Hiſpanos & Gallos donaret, credo, hunc petentem repudiaſſet: quem nos in concione vidimus, cum ei libellum malus poeta de populo ſubjeciſſet, quod epigramma in eum feciſſet tantummodo alternis verſibus longiuſculis, ſtatim ex iis rebus quas tunc vendebat, jubere ei præmium tribui ſub ea conditione, ne quid poſtea ſcriberet. Qui ſedulitatem mali poetæ duxerit aliquo tamen præmio dignam; hujus ingenium & virtutem in ſcribendo, & copiam non expetiſſet? Quid? à Q. Metello Pio, familiariſſimo ſuo, qui

NOTES.

(13.) *In cælum hujus proavus Cato tollitur.*] By *hujus* our orator probably means one of the judges. The Cato he mentions is Cato Major, who, according to Livy, was a great general, an able lawyer and ſtateſman, and a very conſiderable orator.

and accordingly he is thought to have a marble ſtatue amongſt the monuments of the Scipio's. But thoſe praiſes are not appropriated to the immediate ſubjects of them; the whole Roman people has a ſhare in them. Cato, the anceſtor of the judge here preſent, is highly celebrated for his virtues, and from this the Romans themſelves derive great honour: In a word, the Maximi, the Marcelli, the Fulvii cannot be praiſed, without praiſing every Roman.

SECT. X. Did our anceſtors then confer the freedom of Rome on him who ſung the praiſes of her heroes, on a native of Rudiæ; and ſhall we thruſt this Heraclean out of Rome, who has been courted by many cities, and whom our laws have made a Roman? For if any one imagines that leſs glory is derived from the Greek, than from the Latin poet, he is greatly miſtaken; the Greek language is underſtood in almoſt every nation, whereas the Latin is confined to Latin territories, territories extremely narrow. If our exploits, therefore, have reached the utmoſt limits of the earth, we ought to be deſirous that our glory and fame ſhould extend as far as our arms: For as theſe operate powerfully on the people whoſe actions are recorded, ſo to thoſe, who expoſe their lives for the ſake of glory, they are the grand motives to toils and dangers. How many perſons is Alexander the Great reported to have carried along with him, to write his hiſtory! And yet, when he ſtood by the tomb of Achilles at Sigæum, happy youth, he cried, who could find a Homer to blazon thy fame! And what he ſaid, was true; for had it not been for the Iliad, his aſhes and fame had been buried in the ſame tomb. Did not Pompey the Great, whoſe virtues were equal to his fortune, confer the freedom of Rome, in the preſence of a military aſſembly, upon Theophanes of Mitylene, who ſung his triumphs? And theſe Romans of ours, men brave indeed, but unpoliſhed and mere ſoldiers, moved with the charms of glory, gave ſhouts of applauſe, as if they had ſhared in the honour of their leader. Is it to be ſuppoſed then, that Archias, if our laws had not made him a citizen of Rome, could not have obtained his freedom from ſome general? Would Sylla, who conferred the rights of citizenſhip on Gauls and Spaniards, have refuſed the ſuit of Archias? That Sylla, whom we ſaw in an aſſembly, when a bad poet, of obſcure birth, preſented him a petition upon the merit of having written an epigram in his praiſe of unequal hobbling verſes, order him to be inſtantly rewarded out of an eſtate he was ſelling at the time, on condition he ſhould write no more verſes. Would he, who even thought the induſtry of a bad poet worthy of ſome reward, not have been fond of the genius, the ſpirit, and eloquence of Archias? Could our poet, neither by his own intereſt, nor that of the Luculli, have obtained from his

qui civitate multos donavit, neque per ſe, neque per Lucullos impetraviſſet? qui præſertim uſque eo de ſuis rebus ſcribi cuperet, etiam (14.) Cordubæ natis poetis pingue quiddam ſonantibus atque peregrinum, tamen aures ſuas dederet.

XI. Neque enim eſt hoc diſſimulandum, quod obſcurari non poteſt; ſed præ nobis ferendum: trahimur omnes laudis ſtudio, & optimus quiſque maxime gloriâ ducitur. Illi ipſi Philoſophi, etiam in illis libellis, quos de contemnenda gloria ſcribunt, nomen ſuum inſcribunt: in eo ipſo, in quo prædicationem nobilitatemque deſpiciunt, prædicari ſe ac nominari volunt. (15.) Decimus quidem Brutus, ſummus ille vir, & imperator, (16.) Attii, amiciſſimi ſui carminibus, templorum ac monumentorum aditus exornavit ſuorum. Jam vero ille, qui cum Ætolis, Ennio comite, bellavit Fulvius, non dubitavit Martis manubias Muſis conſecrare. Quare, in qua urbe imperatores prope armati poetarum nomen, & Muſarum delubra coluerunt, in ea non debent togati Judices à Muſarum honore, & à poetarum ſalute abhorrere. Atque ut id libentius faciatis, jam me vobis, Judices, indicabo, & de meo quodam amore gloriæ nimis acri fortaſſe, verumtamen honeſto, vobis confitebor. Nam quas res nos in conſulatu noſtro vobiſcum ſimul pro ſalute hujus urbis atque imperii, & pro vita civium, proque univerſa republ. geſſimus, (17.) attigit hic verſibus, atque inchoavit: quibus auditis, quòd mihi magna res & jucunda viſa eſt, hunc ad perficiendum hortatus ſum. Nullam enim virtus aliam mercedem laborum periculorumque deſiderat, præter hanc laudis & gloriæ: qua quidem detracta, Judices, quid eſt quod in hoc tam exiguo vitæ curriculo, & tam brevi, tantis nos in laboribus exerceamus? Certè ſi nihil animus præſentiret in poſterum, & ſi, quibus regionibus vitæ ſpatium circumſcriptum eſt, eiſdem omnes cogitationes terminaret ſuas; nec tantis ſe laboribus frangeret, neque tot curis vigiliiſque angeretur, neque toties de vita ipſa dimicaret. Nunc inſidet quædam in optimo quoque virtus, quæ noctes & dies animum gloriæ ſtimulis concitat, atque admonet, non cum vitæ tempore eſſe dimittendam commemorationem nominis noſtri, ſed cum omni poſteritate adæquandam.

XII.

NOTES.

(14.) *Cordubæ natis poetis.*] Corduba was a city of Hiſpania-Bætica; it gave birth to ſeveral bad poets, whoſe barbarous and bombaſt manner of writing Cicero here touches upon.

(15.) *Decimus quidem Brutus, ſummus ille vir.*] This Decimus Brutus was conſul with Scipio in the year of Rome 616, and going general into Spain routed ſixty thouſand of the Gallæcians, for which he got the ſurname of Gallæcius.

(16.) *Attii, amiciſſimi ſui carminibus.*] This Attius, or Accius, was a dramatic poet; he is mentioned in the tenth ſatire of the firſt book of Horace:

Nil comis tragici mutat Lucilius Acci?

(17.) *Attigit hic verſibus, atque inchoavit.*] From the great character given of the talents and genius of Archias, we cannot help regretting the entire loſs of his works. His poem on Cicero's conſulſhip was probably never finiſhed, as we find no farther mention of it in any of his latter writings.

intimate friend Q. Metellus Pius the freedom of Rome, which he beſtowed ſo frequently upon others? Eſpecially as Metellus was ſo very deſirous of having his actions celebrated, that he was even ſomewhat pleaſed with the dull and barbarous verſes of the poets born at Corduba.

SECT. XI. Nor ought we to diſſemble this truth, which cannot be concealed, but declare it openly: We are all influenced by the love of praiſe, and the greateſt minds have the greateſt paſſion for glory. The philoſophers themſelves prefix their names to thoſe books which they write upon the contempt of glory; by which they ſhew that they are deſirous of praiſe and fame, while they affect to deſpiſe them. Decimus Brutus, that great commander and excellent man, adorned the monuments of his family and the gates of his temples with the verſes of his intimate friend Attius; and Fulvius, who made war with the Ætolians attended by Ennius, did not ſcruple to conſecrate the ſpoils of Mars to the Muſes. In that city therefore, where generals, with their arms almoſt in their hands, have reverenced the ſhrines of the Muſes and the name of poets; ſurely magiſtrates in their robes, and in times of peace, ought not to be averſe to honouring the one, or protecting the other. And to engage you the more readily to this, my Lords, I will lay open the very ſentiments of my heart before you, and freely confeſs my paſſion for glory, which, though too keen perhaps, is however virtuous. For what I did in conjunction with you during my conſulſhip for the ſafety of this city and empire, for the lives of my fellow-citizens, and for the intereſts of the ſtate, Archias intends to celebrate in verſe, and has actually begun his poem: Upon reading what he has wrote, it appeared to me ſo ſublime, and gave me ſo much pleaſure, that I encouraged him to go on with it. For virtue deſires no other reward for her toils and dangers, but praiſe and glory: Take but this away, my Lords, and what is there left in this ſhort, this ſcanty career of human life, that can tempt us to engage in ſo many and ſo great labours? Surely, if the mind had no thought of futurity, if ſhe confined all her views within thoſe limits which bound our preſent exiſtence, ſhe would neither waſte her ſtrength in ſo great toils, nor harraſs herſelf with ſo many cares and watchings, nor ſtruggle ſo often for life itſelf; but there is a certain principle in the breaſt of every good man, which both day and night quickens him to the purſuit of glory, and puts him in mind that his fame is not to be meaſured by the extent of his preſent life, but that it runs parallel with the line of poſterity.

SECT.

XII. An vero tam parvi animi videamur esse omnes, qui in repub. atque in his vitæ periculis laboribusque versamur, ut, cum usque ad extremum spatium, nullum tranquillum atque otiosum spiritum duxerimus, nobiscum simul moritura omnia arbitremur? An cum statuas & imagines, non animorum simulacra, sed corporum, studiose multi summi homines reliquerunt, consiliorum relinquere ac virtutum nostrarum effigiem nonne multo malle debemus, summis ingeniis expressam & politam? Ego vero omnia, quæ gerebam, jam tum in gerendo spargere me ac disseminare arbitrabar in orbis terræ memoriam sempiternam. Hæc vero sive à meo sensu post mortem abfutura sunt, sive, ut sapientissimi homines putaverunt, ad aliquam animi mei partem pertinebunt, nunc quidem certe cogitatione quadam, speque delector. Quare, conservate, Judices, hominem pudore eo, quem amicorum studiis videtis comprobari tum dignitate, tum etiam venustate: ingenio autem tanto, quantum id convenit existimari, quod summorum hominum ingeniis expetitum esse videatis: causa vero ejusmodi, quæ beneficio legis, auctoritate municipii, testimonio Luculli, tabulis Metelli comprobetur. Quæ cum ita sint: petimus à vobis, Judices, si qua non modo humana, verum etiam divina in tantis negotiis commendatio debet esse; ut eum, qui vos, qui vestros, imperatores, qui populi Romani res gestas semper ornavit, qui etiam his recentibus nostris vestrisque domesticis periculis, æternum se testimonium laudum daturum esse profitetur, quique est eo numero, qui semper apud omnes sancti sunt habiti atque dicti, sic in vestram accipiatis fidem, ut humanitate vestra levatus potius, quàm acerbitate violatus esse videatur. Quæ de causa, pro mea consuetudine, breviter simpliciterque dixi, Judices, ea confido probata esse omnibus: quæ non fori, neque judiciali consuetudine, & de hominis ingenio, & communiter de ipsius studio locutus sum ea, Judices, à vobis spero esse in bonam partem accepta: ab eo, qui judicium exercet, certe scio.

ORA-

SECT. XII. Can we, who are engaged in the affairs of the ſtate, and in ſo many toils and dangers, think ſo meanly as to imagine that, after a life of uninterrupted care and trouble, nothing ſhall remain of us after death? If many of the greateſt men have been careful to leave their ſtatues and pictures, theſe repreſentations not of their minds but of their bodies; ought not we to be much more deſirous of leaving the pourtraits of our enterprizes and virtues drawn and finiſhed by the moſt eminent artiſts? As for me, I have always imagined, whilſt I was engaged in doing whatever I have done, that I was ſpreading my actions over the whole earth, and that they would be held in eternal remembrance. But whether I ſhall loſe my conſciouſneſs of this at death, or whether, as the wiſeſt men have thought, I ſhall retain it after, at preſent the thought delights me, and my mind is filled with pleaſing hopes. Do not then deprive us, my Lords, of a man, whom modeſty, a graceful manner, engaging behaviour, and the affections of his friends ſo ſtrongly recommend; the greatneſs of whoſe genius may be eſtimated from this, that he is courted by the moſt eminent men of Rome; and whoſe plea is ſuch that it has the law in its favour, the authority of a municipal town, the teſtimony of Lucullus, and the regiſter of Metellus. This being the caſe, we beg of you, my Lords, ſince in matters of ſuch importance, not only the interceſſion of men but of gods is neceſſary, that the man, who has always celebrated your virtues, thoſe of your generals, and the victories of the Roman people; who declares that he will raiſe eternal monuments to your praiſe and mine for our conduct in our late domeſtic dangers; and who is of the number of thoſe that have ever been accounted and pronounced divine, may be ſo protected by you, as to have greater reaſon to applaud your generoſity, than to complain of your rigour. What I have ſaid, my Lords, concerning this cauſe, with my uſual brevity and ſimplicity, is, I am confident, approved by all: What I have advanced upon poetry in general, and the genius of the defendant, contrary to the uſage of the forum and the bar, will, I hope, be taken in good part by you; by him who preſides upon the bench, I am convinced it will.

ORATIO X.

Pro M. COELIO*.

I. SI quis, Judices, forte nunc adſit ignarus legum, judiciorum, conſuetudinis noſtræ; miretur profecto, quæ ſit tanta atrocitas hujuſce cauſæ, quod diebus feſtis, ludiſque publicis, omnibus negotiis forenſibus intermiſſis, unum hoc judicium exerceatur: nec dubitet quin tanti facinoris reus arguatur, ut, eo neglecto, civitas ſtare non poſſit; idem, cum audiat eſſe legem, quæ de ſeditioſis conſceleratiſque civibus, qui armati Senatum obſederint, magiſtratibus vim attulerint, rempublicam oppugnarint, quotidie quæri jubeat; legem non improbet; crimen quod verſetur in judicio, requirat; cum audiat, nullum facinus, nullam audaciam, nullam vim in judicium vocari; ſed adoleſcentem illuſtri ingenio, induſtriâ, gratiâ, accuſari ab ejus filio, (1.) quem ipſe in judicium & vocet, & vocarit; oppugnari autem oppibus meretriciis: Atratini illius pietatem non reprehendat, muliebrem libidinem comprimendam putet: vos laborioſos exiſtimet, quibus otioſis, ne in communi quidem otio, liceat eſſe. Etenim ſi attendere diligenter, exiſtimare verè de omni hac cauſa volueritis; ſic conſtituetis, Judices, nec deſcenſurum quemquam

NOTES.

* Marcus Cœlius was a young gentleman of equeſtrian rank, of a fine genius and great accompliſhments, trained under the diſcipline of Cicero himſelf; to whoſe care he was committed by his father, upon his firſt introduction into the forum. Before he was of age to hold any magiſtracy, he had diſtinguiſhed himſelf by two public impeachments; the one of C. Antonius, Cicero's collegue in the conſulſhip, for conſpiring againſt the ſtate; the other of L. Atratinus, for bribery and corruption. Atratinus's ſon revenged his father's quarrel, and accuſed Cœlius of public violence, of being the friend of Catiline, of being concerned in the aſſaſſination of Dio, the chief of the Alexandrian embaſſy, of an attempt to poiſon Clodia, the ſiſter of Clodius, a lady of an infamous character, and of ſeveral other crimes. Cœlius had been Clodia's gallant, and her reſentment for his ſlighting her favours, was the real ſource of all his trouble. In this oration, which was made in the 697th year of Rome, and the 51ſt of Cicero's age, he is defended by Cicero, and was acquitted.

(1.)

ORATION X.

For COELIUS.

SECT. I. IF it ſhould happen, my Lords, that there is any one preſent who is unacquainted with our laws, our judicial proceedings, and the forms of our courts, it muſt certainly be matter of ſurprize to ſuch a perſon, what can render this cauſe of ſo very heinous a nature, that it alone ſhould be tried on feſtival days, during the celebration of public ſports, and a total ſuſpenſion of buſineſs in the forum; and he will undoubtedly conclude, that the accuſed is charged with crimes of ſo atrocious a nature, that not to enquire into them would be to overturn the ſtate. When this perſon ſhall be told that there is a law for bringing to trial on any day ſuch ſeditious and profligate citizens as have in arms beſet the ſenate, offered violence to the magiſtrates, or made an attack upon the commonwealth, he may ſtill, without diſapproving the law, deſire to know what crime it is that is trying. And when he is informed that there is no crime depending, no audacious enterprize, no act of violence, but that a young man of diſtinguiſhed genius, application and intereſt, is accuſed by one, whoſe father has been for ſome time paſt, and is at this preſent time, under proſecution at his inſtance; that he is attacked by the power of a proſtitute; he will not blame the piety of Atratinus, will think that a check ought to be given to female lewdneſs, and will look on your's as a laborious office, who, even during a ſeaſon of general feſtivity, can have no relaxation. If, my Lords, you conſider this whole cauſe attentively, and form a proper judgment concerning it, you muſt conclude,

NOTES.

(1.) *Quem ipſe in judicium & vocet, & vocarit.*] Cœlius had ſome time before impeached L. Atratinus, the father, for bribery, of which he was acquitted; and had now brought him to a ſecond trial.

quam ad hanc accuſationem fuiſſe, cui, utrum vellet, liceret; nec, cum deſcendiſſet, quidquam habiturum ſpei fuiſſe, niſi alicujus intolerabili libidine, & nimis acerbo odio niteretur; ſed ego Atratino, humaniſſimo atque optimo adoleſcenti, meo neceſſario, ignoſco, qui habet excuſationem vel pietatis, vel neceſſitatis, vel ætatis: ſi voluit accuſare, pietati tribuo; ſi juſſus eſt, neceſſitati; ſi ſperavit aliquid, pueritiæ; cæteris non modo nihil ignoſcendum, ſed etiam acriter eſt reſiſtendum.

II. Ac mihi quidem videtur, Judices, hic introitus defenſionis, adoleſcentiæ M. Cœlii maxime convenire, ut ad ea quæ accuſatores, deformandi hujus cauſa, detrahendæ ſpoliandæque dignitatis gratia dixerunt, primum reſpondeam. Objectus eſt pater varie, quod aut parum ſplendidus ipſe, aut parum pie tractatus à filio diceretur. De dignitate, Cœlius notis ac majoribus natu, etiam ſine mea oratione, tacitus facile ipſe reſpondet; quibus autem propter ſenectutem, quod jam diu minus in foro nobiſcum verſatur, non æque eſt cognitus; hi ſic habeant: quæcunque in equite Romano dignitas eſſe poſſit, quæ certe poteſt eſſe maxima, eam ſemper in M. Cœlio habitam eſſe ſummam, hodieque haberi, non ſolum à ſuis, ſed etiam ab omnibus, quibus potuerit aliqua de cauſa eſſe notus. Equitis autem Romani eſſe filium, criminis loco poni ab accuſatoribus neque his judicantibus oportuit, neque defendentibus nobis. Nam quod de pietate dixiſtis, eſt quidem iſta noſtra exiſtimatio, ſed judicium certe parentis: quid nos opinemur, audietis ex juratis; quid parentes ſentiant, lacrymæ matris incredibiliſque mœror, ſqualor patris, & hæc præſens mœſtitia, quam cernitis, luctuſque declarat. Nam, quod eſt objectum, municipibus eſſe adoleſcentem non probatum ſuis: nemini unquam præſenti Puteolani majores honores habuerunt, quam abſenti M. Cœlio: quem & abſentem (2.) in ampliſſimum ordinem cooptarunt, & ea non petenti detulerunt, quæ multis petentibus denegarunt: iidemque nunc lectiſſimos viros, & noſtri ordinis, & equites Romanos, cum legatione ad hoc judicium, & cum graviſſima atque ornatiſſima laudatione miſerunt. Videor mihi jeciſſe fundamenta defenſionis meæ: quæ firmiſſima ſunt, ſi nitantur judicio ſuorum; neque enim vobis ſatis commendata

NOTES.

(2.) *In ampliſſimum ordinem cooptarunt.*] The municipia were commonly corporations, or infranchiſed places where the natives were allowed the uſe of their old laws and conſtitutions, and at the ſame time honoured with the privilege of Roman citizens. They had a little ſenate, which they called *curia*, and the ſenators were called *decuriones*. It was into this order Cœlius is here ſaid to have been inrolled.

clude, that no one would have been an accuſer in it but by conſtraint; nor, if he had, would have entertained any hopes of ſucceſs, but from the intolerable humour and furious reſentment of ſome other perſon. But I pardon Atratinus, who is a young man of great humanity and virtue; my friend; and may plead piety, neceſſity, or age, in his excuſe. If he accuſed Cœlius voluntarily, I impute it to filial piety; if by command, to neceſſity; if from hopes of ſucceſs, to youth. The other accuſers muſt not only not be pardoned, but they muſt be oppoſed vigorouſly.

SECT. II. Now, my Lords, the youth of Cœlius ſeems to me to require that I open my defence, by replying to what his accuſers have advanced in order to ſtain his character, to detract from, and deprive him of his dignity. His father is differently repreſented; either as not making a genteel figure in life, or as being diſreſpectfully treated by his ſon. As to the figure his father makes, I need ſay nothing; old Cœlius himſelf, to ſuch as know him, and are advanced in years, without opening his mouth, is a ſufficient reply. With regard to thoſe who have had but few opportunities of knowing him, as his years have long ſince obliged him to leave off coming to the forum, let ſuch know, that whatever dignity the character of a Roman knight can admit of, and ſurely it can admit of the greateſt, has ever been thought to be diſplayed by M. Cœlius in its higheſt luſtre, and is ſtill, not only by his own relations, but by all who have had occaſion to know him. That Cœlius is the ſon of a Roman knight ſhould never have been urged by the proſecutor as an accuſation, when you, my Lords, were on the bench, or I at the bar. As to what you have alledged in regard to his piety, we may indeed give our opinion, but it belongs ſurely to his parents to determine concerning it. What our ſentiments are, you will hear from the evidences on oath; what thoſe of his parents are, is evident from the tears and inexpreſſible ſorrow of his mother, from that air of dejection in the countenance of his father, and that mourning habit wherein you ſee him appear. It is farther objected that this young man is not agreeable to his fellow-citizens; in regard to this, the inhabitants of Puteoli never beſtowed greater honours on any one when preſent, than they have on M. Cœlius when abſent; they have, in his abſence, enrolled him into their higheſt order, and conferred upon him unaſked, what they have denied to the ſolicitations of many; they have likewiſe ſent to this trial perſons of the greateſt diſtinction, both ſenators and Roman knights, with the ſtrongeſt and fulleſt recommendations. Methinks I have now laid the ground-work of my defence, and a ſtrong one it is, if it reſts on the judgment of thoſe with whom Cœlius is moſt intimately connected. Nor could his age have ſufficiently

commendata hujus ætas eſſe poſſet, ſi non modo parenti tali viro, verum etiam municipio tam illuſtri ac tam gravi diſpliceret.

III. Equidem, ut ad me revertar, ab his fontibus profluxi ad hominum famam: & meus hic forenſis labor vitæque ratio dimanavit ad exiſtimationem hominum paulo latius, commendatione ac judicio meorum. Nam, quod objectum eſt de pudicitia, quodque omnium accuſatorum non criminibus, ſed vocibus maledictiſque celebratum eſt, id nunquam tam acerbe feret M. Cœlius, ut eum pœniteat non deformem eſſe natum; ſunt enim iſta maledicta pervulgata in omnes, quorum in adoleſcentia forma & ſpecies fuit liberalis. Sed aliud eſt maledicere, aliud accuſare; accuſatio crimen deſiderat, rem ut definiat, hominem ut notet, argumento probet, teſte confirmet, maledictio autem nihil habet propoſiti, præter contumeliam: quæ ſi petulantius jactatur, convicium; ſi facetius, urbanitas nominatur. Quam quidem partem accuſationis admiratus ſum, & moleſte tuli potiſſimum eſſe Atratino datam; neque enim decebat, neque ætas illa poſtulabat: neque id quod animadvertere poteratis, pudor patiebatur optimi adoleſcentis, in tali illum oratione verſari. Vellem (3.) aliquis ex vobis robuſtioribus hunc maledicendi locum ſuſcepiſſet: aliquanto liberius, & fortius, & magis more noſtro refutaremus iſtam maledicendi licentiam. Tecum, Atratine, agam levius, quod & pudor tuus moderatur orationi meæ: & meum erga te, parentemque tuum beneficium tueri debeo. Illud tamen te eſſe admonitum volo: primum qualis es, talem te eſſe exiſtimes: ut quantum à rerum turpitudine abes, tantum te à verborum libertate ſejungas: deinde ut ea in alterum ne dicas, quæ cum tibi falsò reſponſa ſint, erubeſcas; quis eſt enim, cui via iſta non pateat? qui iſti ætati [atque etiam dignitati] non poſſit, quam velit petulanter, etiam ſi ſine ulla ſuſpicione, at non ſine argumento maledicere? Sed iſtarum partium culpa eſt eorum qui te agere voluerunt: laus pudoris tui, quod ea te invitum dicere videbamus: ingenii, quod ornate politeque dixiſti.

IV. Verum ad iſtam omnem orationem brevis eſt defenſio; nam quoad ætas M. Cœlii dare potuit iſti ſuſpicioni locum, fuit primum ipſius

NOTES.

(3.) *Aliquis ex vobis robuſtioribus*, &c.] By *robuſtiores*, Cicero means Herennius, Balbus, and others, who had a ſhare in this proſecution, and were farther advanced in years than Atratinus.

recommended him to your favourable regards, had he fallen under the diſpleaſure not only of ſuch a father, but of ſo worthy and illuſtrious a corporation.

SECT. III. To return to myſelf; from this ſource it is that my reputation flows: My labours at the bar, and the courſe of life in which I am engaged, have diffuſed themſelves wider among mankind in conſequence of the praiſes and judgment of my friends. As to what is urged againſt him by all his accuſers in regard to chaſtity, ſupported indeed not by facts but mere aſſertions and ſlander; Cœlius will never feel it ſo ſenſibly as to regret that he was not formed ugly by nature: for ſuch ſcandal is common againſt all, who have been diſtinguiſhed in their youth by a graceful air and a genteel figure. But to ſcandalize is one thing, and to accuſe another. An accuſation requires a crime, and this crime muſt be fixed; it muſt mark out the perſon, be proved by arguments, and confirmed by evidences: Scandalizing has nothing in view but contumely; which, if it is urged with petulance, becomes abuſe; if pleaſantly, polite raillery. I was indeed ſurprized, and not a little concerned, that this part of the accuſation ſhould chiefly fall to Atratinus; for it was not a part that became him, nor was it proper for his age; and, as you might have obſerved, the modeſty of the worthy youth would not allow him to treat a ſubject of ſo indelicate a nature. I wiſh ſome of you veterans had undertaken this province, I ſhould then have given a check to that wantonneſs of ſcandalizing with more ſtrength and freedom, and more in my uſual way; with you Atratinus I ſhall deal more ſoftly, both becauſe your modeſty is a reſtraint upon me, and becauſe I think it my duty to preſerve my friendſhip for you and your father. Thus much however, I would put you in mind of; in the firſt place, to entertain a juſt ſenſe of your own real character, and to keep as great a diſtance from all indecent freedom of ſpeech, as you do from every thing that is baſe and indecent in action: And, in the next place, never to charge another with what would make yourſelf bluſh, were you charged with it unjuſtly. For who is there that may not tread the path of ſcandal? Who that may not, with what petulance he pleaſes, ſcandalize ſuch youth; and, how blameleſs ſoever, make it in ſome meaſure appear guilty? But the blame of what part you have in this accuſation muſt fall upon thoſe who impoſed it upon you: To the praiſe of your modeſty be it ſaid, that we ſaw you ſpeak with reluctance; and to that of your genius, that you ſpoke with elegance and politeneſs.

SECT. IV. There is however a ſhort anſwer to all this: for as long as the age of Cœlius expoſed him to ſuch ſuſpicions, it was guarded

ipſius pudore, deinde etiam patris diligentia, diſciplinaque munita: qui ut huic virilem togam dedit, nihil dicam hoc loco de me: tantum ſit, quantum vos exiſtimatis: hoc dicam (4.) hunc à patre continuo ad me eſſe deductum; nemo hunc M. Cœlium in illo ætatis flore vidit, niſi aut cum patre, aut mecum, aut in M. Craſſi caſtiſſima domo, cùm artibus honeſtiſſimis erudiretur. Nam quod Catilinæ familiaritas objecta Cœlio eſt, longe ab illa ſuſpicione abhorrere debet; hoc enim adoleſcente, ſcitis conſulatum mecum petiſſe Catilinam: ad quem ſi acceſſit, aut ſi à me diſceſſit unquam, quamquam multi boni adoleſcentes illi homini nequam atque improbo ſtuduerunt, tum exiſtimetur Cœlius Catilinæ nimium familiaris fuiſſe. At enim poſtea ſcimus & vidimus eſſe hunc in illius amicis. Quis negat? ſed ego illud tempus ætatis, quod ipſum ſua ſponte infirmum, aliorum libidine infeſtum eſt, id hoc loco defendo; fuit aſſiduus mecum, Prætore me: non noverat Catilinam: Africam tum Prætor ille obtinebat: ſecutus eſt annus: cauſam de pecuniis repetundis Catilina dixit; mecum erat hic: (5.) illi ne advocatus quidem venit unquam; deinceps fuit annus, quo ego conſulatum petivi: petebat Catilina mecum; nunquam ad illum acceſſit, à me nunquam receſſit.

V. Tot igitur annos verſatus in foro ſine ſuſpicione, ſine infamiâ, ſtuduit Catilinæ iterum petenti. Quem ergo ad finem putas cuſtodiendam illam ætatem fuiſſe? Nobis quidem olim annus erat unus, ad cohibendum brachium toga, conſtitutus, & ut exercitatione ludoque campeſtri tunicati uteremur: eademque erat, ſi ſtatim mereri ſtipendia cœperamus, caſtrenſis ratio ac militaris; quâ in ætate, niſi qui ſe ipſe ſua gravitate, & caſtimonia, & cum diſciplina domeſtica, tum etiam naturali quodam bono defenderat; quoquo modo à ſuis cuſtoditus eſſet, tamen infamiam veram effugere non poterat. Sed qui prima illa initia ætatis integra atque inviolata præſtitiſſet; de ejus fama ac pudicitia, cum is jam ſe corroboraviſſet, ac vir inter viros eſſet, nemo loquebatur. Studuit Catilinæ, cum jam aliquot annos eſſet in foro Cœlius, & multi hoc idem ex omni ordine atque ex omni ætate fecerunt; (6.) habuit enim ille, ſicuti meminiſſe vos

NOTES.

(4.) *Hunc a patre continuo ad me eſſe deductum.*] Of all people the Romans were the moſt exact and careful in the education of their children. When young gentlemen had finiſhed the courſe of their puerile ſtudies, it was the cuſtom to change the habit of the boy for what they called *the manly gown*; and on this occaſion they were introduced into the forum with much ſolemnity, attended by all the friends and dependants of the family; and after divine rites performed in the capitol, were committed to the ſpecial care of ſome eminent ſenator, diſtinguiſhed for his eloquence or knowledge of the laws, to be inſtructed by him in the conduct of civil affairs, and to form themſelves by his example for uſeful members and magiſtrates of the republic. Thus Cœlius was placed under the care of Cicero, who had himſelf, as we are told in his piece *de amicitia*, been placed under that of Scævola, the principal lawyer, as well as ſtateſman, of that age.

(5.) *Illi ne advocatus quidem venit unquam.*] By *advocatus* is here meant one who attended his friend at his trial. For it was uſual both in public and private trials for the friends and

guarded firſt by his own modeſty, and then by the vigilance and inſtruction of his father, who as ſoon as he gave him the manly gown, (I ſhall ſay nothing here of myſelf; my character is ſubmitted to you,) but this I will ſay, he was directly brought by his father to me. No one ſaw this M. Cœlius in that bloom of life, but either in company with his father, or with me, or in the chaſte houſe of M. Craſſus, where he was inſtructed in the moſt liberal arts. As to the familiarity with Catiline which is objected to Cœlius, there is not the leaſt ground for ſuch a ſuſpicion. When he was a lad, you know that Catiline ſtood with me for the conſulſhip: If at that time he ever kept him company, or if ever he left me (tho' many worthy young men were attached to that wicked and abandoned fellow) then let him be thought to have been too familiar with Catiline. We know however, that he was afterwards among the friends of Catiline, and ſaw him among them. Who denies it? But I am only defending that period of life, which of itſelf is naturally weak, and liable to be infected by the vices of others. During my prætorſhip he was conſtantly with me, and did not know Catiline, who was then prætor in Africa. The year following, Catiline was tried for extortion; Cœlius was with me, and did not even appear in court for him as a friend. The year after, I ſtood for the conſulſhip; ſo did Catiline: Cœlius was never ſeen with him; from me he never departed.

SECT. V. Having therefore frequented the forum for ſo many years without ſuſpicion, without infamy, he attached himſelf to Catiline, who ſtood again for the conſulſhip. How long then do you think that youth is to be watched? A year was formerly allowed us to learn to keep the arm within the gown, and to perform our exerciſes and diverſions in the field of Mars in our tunics. The ſame diſcipline was obſerved in the camp and in all military operations, when we began to carry arms. During that period, no one could avoid real infamy, whatever care was taken of him by his friends, who had not a decency and gravity of behaviour to defend his character, and together with the advantages of private inſtitution, a kind of natural bias to virtue. But whoever paſſed this early part of life with honour and without reproach, when he grew up, and lived as a man among men, no reflections were ever heard againſt his reputation or chaſtity. Cœlius favoured Catiline, after frequenting the forum for ſeveral years: Why, this was no more than what many others did of every rank and of every age. For Catiline,

NOTES.

and acquaintance of the accuſed to attend him, and to ſolicit in his behalf.

(6.) *Habuit enim ille permulta maximarum non expreſſa ſigna, ſed adumbrata virtutum.*

vos arbitror, permulta maximarum non expreſſa ſigna, ſed adumbrata virtutum; utebatur hominibus improbis multis, & quidem optimis ſe viris deditum eſſe ſimulabat; erant apud illum illecebræ libidinum multæ; erant etiam induſtriæ quidam ſtimuli ac laboris; flagrabant vitia libidinis apud illum: vigebant etiam ſtudia rei militaris; neque ego unquam fuiſſe tale monſtrum in terris ullum puto, tam ex contrariis diverſiſque inter ſe pugnantibus naturæ ſtudiis cupiditatibuſque conflatum.

VI. Quis clarioribus viris quodam tempore jucundior? quis turpioribus conjunctior? quis civis meliorum partium aliquando? quis tetrior hoſtis huic civitati? quis in voluptatibus inquinatior? quis in laboribus patientior? quis in rapacitate avarior? quis in largitione effuſior? Illa verò, Judices, in illo homine mirabilia fuerunt, comprehendere multos amicitiâ, tueri obſequio, cum omnibus communicare quod habebat, ſervire temporibus ſuorum omnium, pecunia, gratia, labore corporis, ſcelere etiam, ſi opus eſſet, & audacia: verſare ſuam naturam, & regere ad tempus, atque huc & illuc torquere & flectere: cum triſtibus ſeverè, cum remiſſis jucundè, cum ſenibus graviter, cum juventute comiter, cum facinoroſis audacter, cum libidinoſis luxuriosè vivere. Hac ille tam varia multiplicique natura, cùm omnes omnibus ex terris homines improbos audaceſque collegerat, tum etiam multos fortes viros & bonos, ſpecie quadam virtutis aſſimulatæ, tenebat; neque unquam ex illo delendi hujus imperii tam conſceleratus impetus exſtitiſſet, niſi tot vitiorum tanta immanitas quibuſdam facilitatis & patientiæ radicibus niteretur. Quare iſta conditio, Judices, reſpuatur: nec Catilinæ familiaritatis crimen hæreat; eſt enim commune cum multis, cum quibuſdam etiam bonis. Me ipſum, me, inquam, quondam pene ille decepit: cum & civis mihi bonus, & optimi cujuſque cupidus, & firmus amicus ac fidelis videretur; cujus ego facinora oculis prius, quam opinione, manibus ante, quam ſuſpicione, deprehendi; cujus in magnis catervis amicorum ſi fuit etiam Cœlius, magis eſt, ut ipſe moleſte ferat erraſſe ſe, ſicuti nonnunquam in eodem homine me quoque erroris mei pœnitet, quàm ut iſtius amicitiæ crimen reformidet.

VII. Itaque à maledictis pudicitiæ ad conjurationis invidiam oratio eſt veſtra delapſa: poſuiſtis enim, atque id tamen titubanter &

NOTES.

Cicero, in ſeveral parts of his writings, gives us a juſt character of Catiline; but in none a more lively and ſtriking picture than in this paſſage.

Catiline, as I ſuppoſe you remember, had many ſketches, though not finiſhed pictures, of the greateſt virtues; he was familiar with many profligate fellows, and yet affected to be devoted to men of the greateſt worth. His houſe furniſhed out ſeveral temptations to lewdneſs, and at the ſame time ſeveral incentives to labour and induſtry: It was a ſcene of vicious pleaſures, and at the ſame time a ſchool of martial exerciſes. Nor do I believe there was ever ſuch a monſter on earth, compounded of inclinations and paſſions ſo very different, and ſo repugnant to each other.

SECT. VI. Who was ever more agreeable at one time to the moſt illuſtrious citizens? Who more intimate at another with the moſt infamous? At one time, what citizen had better principles? And yet, who a fouler enemy to Rome? Who more intemperate in pleaſure? Who more patient in labour? Who more rapacious in plundering? Who more extravagant in ſquandering? Yet this man, my Lords, had a ſurpriſing faculty of engaging many to his friendſhip, and fixing them by his obſervance: Sharing with all of them whatever he had, ſerving them with his money, his intereſt, his labour, and, if occaſion required, by the moſt daring acts of wickedneſs; faſhioning his nature according to his purpoſes, bending and turning it every way at pleaſure; living with the moroſe, ſeverely; with the free, merrily; with the aged, gravely; with the young, chearfully; with the enterpriſing, audaciouſly; with the vicious, luxurioufly. By ſuch a variety and complication of character, he had got together from every country all the profligate and audacious, and yet preſerved the friendſhip of many brave and worthy men by the ſpecious ſhew of a pretended virtue; nor could he ever have made ſo wicked an attempt to deſtroy our government, had not the ſo great enormity of his many vices had ſome ſupport from a flexibility and hardineſs of temper. Let that part of the accuſation then, my Lords, be rejected; nor let familiarity with Catiline be any more urged as a crime; for it is common to Cœlius with many others, and even ſome very worthy men. There was a time when I myſelf, I ſay, when I was almoſt deceived by him; when he appeared to me a good citizen, an admirer of every worthy man, a firm and a faithful friend. I was not convinced of his crimes till after I ſaw them; nor did I ſuſpect them, before I had felt them. If Cœlius made one of the great number of his friends, he has more reaſon to regret his miſtake, as I ſometimes do mine in regard to the ſame perſon, than to dread being charged with being the friend of Catiline.

SECT. VII. Thus from bringing a ſcandalous accuſation of an intrigue againſt Cœlius, you have proceeded to load him with the

& ſtrictim, conjurationis hunc, propter amicitiam Catilinæ, participem fuiſſe: in quo non modo crimen non hærebat, ſed vix diſerti adoleſcentis cohærebat oratio. Qui enim tantus furor in Cœlio? quod tantum aut in moribus naturaque vulnus, aut in re atque fortuna? ubi denique eſt in iſta ſuſpicione Cœlii nomen auditum? Nimium multa de re minime dubia loquor: hoc tamen dico, non modo ſi ſocius conjurationis, ſed niſi inimiciſſimus iſtius ſceleris fuiſſet, nunquam conjurationis accuſatione adoleſcentiam ſuam potiſſimum commendare voluiſſet: quod, haud ſcio, an de ambitu, & de criminibus iſtius ſodalium ac ſequeſtrium, quoniam huc incidi, ſimiliter reſpondendum putem; nunquam enim tam Cœlius amens fuiſſet, ut ſi ſe iſto infinito ambitu commaculaſſet, ambitus alterum accuſaret: neque ejus facti in altero ſuſpicionem quæreret, cujus ipſe ſibi perpetuam licentiam optaret: nec, ſi ſibi ſemel periculum ambitus ſubeundum putaret, ipſe alterum iterum ambitus crimine arceſſeret; quod quanquam nec ſapienter, & me invito facit, tamen eſt ejuſmodi cupiditatis, ut, magis inſectari alterius innocentiam, quam de ſe timide cogitare videatur. Nam quod æs alienum objectum eſt, ſumptus reprehenſi, (7.) tabulæ flagitatæ: videte quam pauca reſpondeam. Tabulas, qui in patris poteſtate eſt, nullas conficit. (8.) Verſuram nunquam omnino fecit ullam. Sumptus unius generis objectus eſt, habitationis: triginta millibus dixiſtis eum habitare; nunc demum intelligo, (9.) P. Clodii inſulam eſſe venalem, cujus hic in ædiculis habitet, decem, ut opinor, millibus; vos autem, dum illi placere vultis, ad tempus ei mendacium veſtrum accommodaviſtis. Reprehendiſtis, à patre quod ſemigrarit: quod quidem jam in hac ætate minime reprehendendum eſt; qui, cùm & ex reipub. cauſa eſſet, (10.) mihi quidem moleſtam, ſibi tamen glorioſam victoriam conſecutus, & per ætatem magiſtratus petere poſſet non modo permittente patre, ſed etiam ſuadente, ab eo ſemigravit: &, cum domus patris à foro longe abeſſet, quo facilius, & noſtras obire domos, & ipſe à ſuis coli poſſet, conduxit in Palatio, non magno, domum.

VIII.

NOTES.

(7.) *Tabulæ flagitatæ.*] It was uſual among the Romans for maſters of families to keep books of accounts, wherein they regularly marked down every day whatever money they either received or expended.

(8.) *Verſuram nunquam omnino fecit ullam.*] *Verſuram facere* generally ſignifies to take up money of one at a great intereſt, in order to pay a debt to another, or ſimply to change one's creditor; but here it ſignifies only to borrow money.

(9.) *P. Clodii inſulam eſſe venalem.*] By *inſula* is here meant either ſeveral houſes joined together, or one houſe only, with the ſtreet on every ſide.

(10.) *Mihi quidem moleſtam, ſibi tamen glorioſam victoriam conſecutus eſſet.*] What is here referred to, is Cœlius's impeachment of Caius Antonius, Cicero's collegue in the conſulſhip, and defended by him, but caſt and baniſhed.

odium of being engaged in a conſpiracy. For you have alledged, though not without heſitation, and in a ſuperficial manner, that becauſe he was the friend, he was therefore the accomplice of Catiline: An accuſation, on which not only no crime could be founded, but ſcarce could the eloquent youth talk coherently when he urged it. Why all this fury in Cœlius? Whence this foul ſtain in his character and diſpoſition, or diſtreſs in his circumſtances and fortune? To add no more, where did Cœlius ever lie under ſuch a ſuſpicion? But I ſpend too much time in a matter ſo very evident: Thus much however, I will add, that if Cœlius had been engaged in that conſpiracy, nay if he had not held it in the utmoſt abhorrence, he would never have thought of recommending himſelf in his youth, by bearing a part in impeaching the conſpirators. And I know not, whether I may not return the ſame anſwer to the charge againſt his ambition, and the crimes of his companions and aſſociates, now that I am upon that ſubject. For if Cœlius had brought a ſtain upon his own character by plunging ſo deep into corruption, he would never have been ſo fooliſh as to accuſe another of the ſame practices; nor would he have endeavoured to render another ſuſpected, of what he wiſhed that he himſelf might always have the liberty of doing; nor would he have twice accuſed another of corruption, if he had thought that he himſelf was once to be tried for it: which, though he did both imprudently, and contrary to my inclination, yet ſuch is his temper, that he chuſes rather to attack the innocence of another, than to ſeem afraid for his own. As to the debts which are objected to him, the expences for which he is blamed, and the books of accounts which are demanded, my anſwer ſhall be very ſhort. One who is under the direction of his father, keeps no books of accounts; as to money, he has never borrowed any; and the only article of expence with which you charge him is his houſe, for which you ſay he pays thirty thouſand ſeſterces a year. Now at laſt I ſee that the houſe of Clodius is to be ſold, a ſmall part of which Cœlius rents for ten thouſand ſeſterces a year, as I imagine: but you, out of a deſire of pleaſing him, have made this lie to ſerve a preſent purpoſe. You blame him for taking a ſeparate houſe from his father; a thing, for which at this time of life he is far from being blameable. Having, in a public cauſe, gained a victory, to me indeed diſagreeable, but to himſelf glorious; and being of an age to ſtand for offices, his father not only allowed but adviſed him to leave his houſe; which being a great way off from the forum, he hired one at a moderate rent upon the Palatium, that he might be nearer our houſes, and that it might be more convenient for his friends to wait upon him.

SECT.

VIII. Quo loco poſſum dicere id, quod vir clariſſimus M. Craſſus, (11.) cum de adventu regis, Ptolemæi quereretur, paullo ante dixit, *Utinam ne in nemore Pelio*——. Ac longius quidem mihi contexere hoc carmen liceret: *Nam nunquam hera errans* hanc moleſtiam nobis exhiberet, *Medea animo ægra, amore ſævo ſaucia.* Sic enim, Judices, reperietis (quod, cum ad id loci venero, oſtendam) (12.) hanc Palatinam Medeam, migrationemque huic adoleſcenti cauſam ſive malorum omnium, ſive potius ſermonum fuiſſe. Quamobrem illa, quæ ex accuſatorum oratione præmuniri jam, & fingi intelligebam, fretus veſtra prudentia, Judices, non pertimeſco. Aiebant enim fore teſtem Senatorem, qui ſe Pontificiis comitiis pulſatum à Cœlio diceret; à quo quæram ſi prodierit, primum cur ſtatim nihil egerit: deinde, ſi id queri, quam agere maluerit, cur productus à vobis potius, quam ipſe per ſe: cur tanto poſt potius, quam continuo, queri maluerit: ſi mihi ad hæc acute, arguteque reſponderit; tum quæram denique, ex quo iſte fonte Senator emanet; nam ſi ipſe orietur & naſcetur ex ſeſe, fortaſſe, ut ſoleo, commovebor; (13.) ſin autem eſt rivulus arceſſitus & ductus ab ipſo capite accuſationis veſtræ, lætabor, cùm tanta gratia tantiſque opibus accuſatio veſtra nitatur, unum Senatorem ſolum eſſe, qui vobis gratificari vellet, inventum. Nec tamen illud genus alterum nocturnorum teſtium pertimeſco; eſt enim dictum ab illis, fore qui dicerent, uxores ſuas à cœna redeuntes attrectatas eſſe à Cœlio. Graves erunt homines, qui hoc jurati dicere audebunt: cum ſit his confitendum, nunquam ſe, (14.) ne congreſſu quidem & conſtituto, cœpiſſe de tantis injuriis experiri.

IX. Sed totum genus oppugnationis hujus, Judices, & jam proſpicitis animis, &, cum inferetur, propulſare debebitis; non enim ab iiſdem accuſatur M. Cœlius, à quibus oppugnatur; palam in eum tela jaciuntur, clam ſubminiſtrantur. Neque id ego dico, ut inviodoſum ſit in eos, quibus glorioſum hoc etiam eſſe debet: funguntur officio: defendunt ſuos: faciunt quod viri fortiſſimi ſolent: læſi dolent,

NOTES.

(11.) *Cum de adventu regis Ptolemæi quereretur.*] Ptolemy king of Ægypt, being driven out of his kingdom, went to Rome to beg help and protection againſt his rebellious ſubjects, who ſent deputies after him, to plead their cauſe before the ſenate, and to explain the reaſons of their expelling him; moſt of whom he contrived to have aſſaſſinated on the road, before they reached the city. But it was objected to Cœlius, that he had beaten theſe deputies at Puteoli; which part of the accuſation, when Craſſus, who had defended Cœlius before Cicero, was refuting, he complained of Ptolemy's coming to Rome, as being the remote cauſe of this part of the charge, and took occaſion to repeat the following verſe of Ennius—*Utinam ne in nemore Pelio*, &c. Where the poet, in like manner, mentioned the remote cauſe of the paſſion which ruined Medea: for it was of the trees that grew upon mount Pelion in Theſſaly that the ſhip Argo was built, wherein Jaſon ſailed.

(12.) *Hanc Palatinam Medeam.*] Cicero here

SECT. VIII. And here I may ſay what the renowned M. Craſſus lately ſaid, when complaining of king Ptolemy's arrival; *O that never in the Pelian wood*—— I might even go on with this poem; *never then had a wandering lady* given us this trouble, *a love-ſick Medea*, &c. For you will find, my Lords, when I come to ſpeak upon it, I ſhall prove that this Medea of the Palatium, and the removal of this young gentleman, has been the cauſe of all the evils he has ſuffered, or rather of all that has been alledged againſt him. Supported then by your wiſdom, my Lords, I am not afraid of what I find from the words of the accuſers themſelves, to be nothing but fiction and contrivance. For they alledged, that there will be a ſenator to give evidence that he was beaten by Cœlius at the election of pontiffs. If ſuch a ſenator appears, I ſhall aſk him in the firſt place, why he did not immediately bring an action? In the next place, if he choſe rather to complain than bring an action, why he did it rather at your inſtigation, than of his own accord? Why he choſe to complain ſo long after the thing happened, and not directly? If he anſwers theſe queſtions with ſhrewdneſs and ſubtilty, I ſhall then enquire, from what ſource this ſenator flows? For if he ſprings from himſelf, I ſhall perhaps be moved, as uſual; but if he flows, like a rivulet, from the fountain-head of your accuſation, I ſhall rejoice that in a charge ſo powerfully ſupported, there can only one ſenator be found, who is willing to oblige you. Neither am I afraid of that other tribe of night-witneſſes; for the accuſers ſay they can produce citizens to prove that Cœlius meddled with their wives, as they were returning from ſupper. They muſt be perſons of great wiſdom, who dare ſwear to ſuch a fact as this; ſince they muſt confeſs, that they did not ſo much as propoſe a reference for the redreſs of ſo great injuries.

SECT. IX. But, my Lords, you now underſtand the whole nature of this attack, and when it is made, it will be incumbent upon you to repulſe it. Thoſe who accuſe M. Cœlius, are not the perſons that attack him: the darts are thrown at him publickly, but they are furniſhed in private. Nor do I ſay this with a view to bring an odium upon thoſe, to whom it ought to do honour: they do their duty: they defend their friends: they act as men of ſpirit generally

NOTES.

here means Clodia, who lived upon the Palatine hill. He humorouſly calls her Medea, becauſe Atratinus, as we read in Fortunatianus, called Cœlius the beautiful Jaſon.

(13.) *Sin autem, ut rivulus, arceſſitus, & ductus ab ipſo capite accuſationis veſtræ.*] Cicero alludes here to Clodia, whom, by a beautiful metaphor, he calls *caput accuſationis*, the ſpring-head of the accuſation.

(14.) *Ne congreſſu quidem & conſtituto.*] Before a ſuit was commenced, it was uſual for the parties to endeavour to make up the difference, by means of ſome common friend, or friends.

lent, irati efferuntur, (15.) pugnant laceſſiti; ſed veſtræ ſapientiæ tamen eſt, Judices, non, ſi cauſa juſta eſt viris fortibus oppugnandi M. Cœlium, ideo vobis quoque vos cauſam putare eſſe juſtam, alieno dolori potius, quam veſtræ fidei conſulendi. Quæ ſit multitudo in foro, quæ genera, quæ ſtudia, quæ varietas hominum, videtis; ex hac copia, quam multos eſſe arbitramini, qui hominibus potentibus, gratioſis, diſertis, cum aliquid eos velle arbitrentur, ultro ſe offerre ſoleant, operam navare, teſtimonium polliceri? Hoc ex genere ſi qui ſe in hoc judicium forte projecerint, excluditote eorum cupiditatem, Judices, ſapientia veſtra: ut eodem tempore & hujus ſaluti, & religioni veſtræ, & contra periculoſiſſimas hominum potentias conditioni omnium civium providiſſe videamini. Equidem vos abducam à teſtibus; neque hujus judicii veritatem, quæ mutari nullo modo poteſt, in voluntate teſtium collocari ſinam; quæ facillime effingi, nullo negotio flecti, ac detorqueri poteſt; argumentis agemus; ſignis omni luce clarioribus crimina refellemus; res cum re, cauſa cum cauſa, ratio cum ratione pugnabit.

X. Itaque illam partem cauſæ facile patior graviter & ornate à M. Craſſo peroratam, de ſeditionibus Neapolitanis, de Alexandrinorum pulſatione Puteolana, de bonis Pallæ; vellem dictum eſſet ab eodem (16.) etiam de Dione: de quo ipſo tamen quid eſt, quod exſpectetis, quod is qui fecit, aut non timet, aut etiam fatetur? Etenim reus, qui dictus eſt & adjutor fuiſſe & conſcius, P. Aſcitius, is judicio eſt liberatus. Quod igitur eſt hujuſmodi crimen, ut, qui commiſit, non neget: qui negavit, abſolutus ſit: id hic pertimeſcat, qui non modo à facto, verumetiam à conſcientiæ ſuſpicione abfuit? &, ſi Aſcitio cauſa plus profuit quam nocuit invidia, huic oberit tuum maledictum, qui iſtius facti non modo ſuſpicione, ſed ne infamia quidem eſt adſperſus? At prævaricatione eſt Aſcitius liberatus. Perfacile eſt iſti loco reſpondere, mihi præſertim, à quo illa cauſa defenſa eſt. Sed Cœlius optimam cauſam Aſcitii eſſe arbitratur: cujuſmodi autem ſit, à ſua putat eſſe ſejunctam: neque ſolum Cælius, ſed etiam adoleſcentes humaniſſimi & doctiſſimi rectiſſimis ſtudiis atque optimis artibus præditi, Titus Caiuſque Coponii: qui ex omnibus maxime Dionis mortem doluerunt: qui cum doctrinæ ſtudio atque

NOTES.

(15.) *Pugnant laceſſiti.*] This probably refers to Atratinus, who was glad to have an opportunity of accuſing Cœlius, in revenge for his having impeached Atratinus the father.

(16.) *Etiam de Dione.*] Dio was the chief of the Alexandrian embaſſy, and was aſſaſſinated by Aſcitius, for which however he was acquitted.

nerally do: being injured, they complain; being provoked, they are in a paſſion; and, being attacked, they fight. But though theſe brave men may have good reaſon for attacking M. Cœlius, yet your wiſdom, my Lords, is concerned not to think that you have therefore any reaſon to pay greater regard to their reſentment than to your own honour. You ſee what numbers crowd the forum, and how different their views and diſpoſitions are. Of all this multitude how many do you imagine there are, who, when they think that men of credit, power, and eloquence, have any thing to do, offer themſelves, preſs their ſervices, and promiſe their evidence? Should any of ſuch a character thruſt themſelves into this trial, let your wiſdom, my Lords, check their forwardneſs; that you may ſeem at once to have conſulted the ſafety of Cœlius, your own honour, and the intereſt of all our citizens, againſt the dangerous influence of power. I will indeed draw you off from teſtimonies, nor will I ſuffer the immutable juſtice of this cauſe to depend upon the depoſitions of witneſſes, which may be faſhioned and influenced with the utmoſt eaſe. We ſhall deal in arguments, and ſhall refute their accuſation with proofs clearer than the day: fact ſhall be oppoſed to fact, cauſe to cauſe, and argument to argument.

SECT. X. I am glad, therefore, that M. Craſſus defended that part of his cauſe which relates to the ſeditions at Naples, the beating of the Alexandrian deputies at Puteoli, and the goods of Pallas, with ſo much force and eloquence. I wiſh he had likewiſe ſpoke to the affair of Dion. Though in regard to that, what is there, that could be to your purpoſe, which he, who committed the fact is either afraid of, or denies? For P. Aſcitius, who is accuſed of having been privy to the deſign, and to have aſſiſted in it, was acquitted. When a crime therefore is of ſuch a nature, that he who committed it does not deny it, and he who does not deny it, is acquitted; ſhould that perſon be afraid of being condemned for it, who not only did not commit it, but who was not even ſuſpected of having had any knowledge of it? And if that proſecution did more ſervice to Aſcitius, than the hatred of his proſecutors did him harm; ſhall this ſcandal hurt the man, on whom neither the ſuſpicion nor the infamy of ſuch an action ever fell? But it was owing to colluſion, it will be ſaid, that Aſcitius was acquitted. This objection is very eaſily anſwered, eſpecially by me who defended that cauſe. But Cœlius thinks the cauſe of Aſcitius a very good one; nevertheleſs, of what kind ſoever it is, he is of opinion, that it is very different from his own: nor does Cœlius only think ſo, but the Coponii, Titus and Caius, young men of the greateſt politeneſs and learning, of the moſt honourable intentions, and beſt accompliſhments, who, of all others, lamented the death of Dion moſt, being

atque humanitatis, tum etiam hoſpitio Dionis tenebantur; habitabat is apud L. Lucceium, ut audiſtis: fuerat ei cognitus Alexandriæ; quid aut hic, aut ſummo ſplendore præditus frater ejus, de M. Cœlio exiſtimet, ex ipſis, ſi producti erunt, audietis. Ergo hæc removeantur, ut aliquando, in quibus cauſa nititur, ad ea veniamus.

XI. Animadverti enim, Judices, audiri à vobis meum familiarem L. Herennium perattente; in quo etſi magna ex parte ingenio ejus, & dicendi genere quodam tenebamini, tamen nonnunquam verebar ne illa ſubtiliter ad criminandum inducta oratio ad animos veſtros ſenſim ac leniter accederet; dixit enim multa de luxuria, multa de libidine, multa de vitiis juventutis, multa de moribus: & qui in reliqua vita mitis eſſet, & in hac ſuavitate humanitatis, qua prope jam delectantur homines, verſari perjucunde ſoleret, (17.) fuit in hac cauſa pertriſtis quidam patruus, cenſor, magiſter; objurgavit M. Cœlium, ſicut neminem unquam parens: multa de incontinentia, intemperantiaque diſſeruit. Quid quæritis, Judices? ignoſcebam vobis attente audientibus, propterea quod egomet tam triſte illud & tam aſperum genus orationis horrebam. Ac prima pars fuit illa, quæ me minus movebat, fuiſſe meo neceſſario Beſtiæ Cœlium familiarem, cœnaſſe apud eum, ventitaſſe domum, ſtuduiſſe præturæ. Non me hæc movent, quæ perſpicue falſa ſunt; etenim eos una cœnaſſe dicit, qui abſunt, aut quibus neceſſe eſt idem dicere. Neque vero illud me commovet, (18.) quod ſibi in Lupercis ſodalem eſſe Cœlium dixit. Fera quædam ſodalitis, & plane paſtoritia atque agreſtis germanorum Lupercorum: quorum coitio illa ſylveſtris ante eſt inſtituta, quam humanitas, atque leges; ſiquidem non modo nomina deferunt inter ſe ſodales, ſed etiam commemorant ſodalitatem in accuſando, (19.) ut ne, ſi quis id forte neſciat, timere videatur. Sed hæc omittam: ad illa, quæ me magis moverunt, reſpondebo. Deliciarum objurgatio fuit longa, & ea lenior: pluſque diſputationis habuit, quam atrocitatis: quo etiam audita eſt attentius. Nam P. Clodius amicus meus, cùm ſe graviſſime vehentiſſimeque jactaret,

NOTES.

(17.) *Fuit in hac cauſa pertriſtis quidam patruus.*] *Patruus* here ſignifies a ſevere cenſor, like a moroſe guardian uncle. In this ſenſe it is made uſe of by Horace, Sat. 3d. Book 2d.

——— *ſive ego prave,*
Seu recte, hoc volui: ne ſis patruus mihi.

(18.) *Quod ſibi in Lupercis ſodalem eſſe Cœlium dixit.*] The Lupercalia was a feſtival inſtituted in honour of Pan. Valerius Maximus pretends that it was no older than the foundation of Rome; but Livy and Plutarch are poſitive, that it was brought out of Greece by Evander. It was celebrated on the fifteenth of February, chiefly in the villages, with very ridiculous ceremonies.

(19.) *Ut ne quis, ſi id forte neſciat, timere videatur.*] It is difficult to aſcertain the meaning of this paſſage, which is differently underſtood by commentators. The words in the original in ſome editions are, *ſi quis id forte neſciat timere videatur:* Abramius prefers the following reading to all others, *ut ne quis id forte neſciat timere videantur*; and the ſenſe of the paſſage, according to him, is,—

They

delighted both with his hoſpitality, and his learning and politeneſs. Dion, as you have heard, lived with L. Lucceius, to whom he was known at Alexandria. What his ſentiments are concerning M. Cœlius, or thoſe of his brother, a man of the greateſt eminence, you may hear from themſelves, if they are brought into court. Let theſe things therefore be ſet aſide, that we may at laſt come to thoſe on which the cauſe principally reſts.

SECT. XI. I obſerved, my Lords, that you heard my friend L. Herennius very attentively; and though it was his wit, in a great meaſure, and a certain kind of eloquence that ſtruck you; yet I was ſometimes apprehenſive leſt this inſinuating ſubtle method of accuſation ſhould gradually ſlide into, and take poſſeſſion of your breaſts. For he ſpoke much upon luxury, much upon luſt, much upon the vices, and much upon the manners of youth; and he, who on every other occaſion is ſo very gentle, and has ſo much of that engaging, humane, and agreeable manner that charms all mankind, was as rigid in this cauſe as an old guardian-uncle, a cenſor, or a maſter: He reproved M. Cœlius more ſeverely than ever a father did a ſon, and enlarged much upon intemperance and incontinency. Do you aſk me what I thought of it, my Lords? I could not blame you for hearing it ſo attentively, tho' ſo ſevere and rigid a manner of ſpeaking, I muſt confeſs, ſomewhat ſhocked myſelf. The firſt article of accuſation, which did not give me great concern, was, that Cœlius was intimate with my friend Beſtia; that he ſupped with him; was frequently at his houſe; and his friend, when he ſtood for the prætorſhip. Theſe things, being evidently falſe, give me no concern: For thoſe, whom he gives out to have ſupped with them, are either abſent, or obliged to give the ſame evidence. Nor does it diſturb me, when he ſays, that Cœlius was his companion at the Lupercal games: For the true Luperci are a ſavage, ruſtic, and truly clowniſh fraternity, whoſe meetings in the foreſts were inſtituted before laws or politeneſs took place among men: ſince they not only accuſe each other, but mention the fraternity in their accuſations, as if they were afraid leſt any one ſhould not diſcover them to belong to it. But all this I ſhall paſs over, and reply to what gave me more concern. The cenſure he paſſed upon the purſuit of pleaſure was long, but gentle; and had more declamation in it than ſeverity, ſo that it was heard the more attentively. As for my friend P. Clodius, he exerted himſelf indeed

NOTES.

They boaſt of their being members of the fraternity whom they accuſe, as if they were afraid leſt any one ſhould not diſcover them to belong to it.

jactaret, & omnia inflammatus ageret triſtiſſimis verbis, voce maxima: tametſi probabam ejus eloquentiam, tamen non pertimeſcebam; aliquot enim in cauſis eum videram fruſtra litigantem. Tibi autem, Balbe, reſpondebo, primum precario, ſi licet, ſi fas eſt, defendi à me eum, qui nullum convivium renuerit, qui unguenta ſumpſerit, (20.) qui Baïas viderit.

XII. Equidem multos & vidi in hac civitate, & audivi, non modo qui primoribus labris guſtaſſent genus hoc vitæ, & extremis, ut dicitur, digitis attigiſſent; ſed qui totam adoleſcentiam voluptatibus dedidiſſent, emerſiſſe aliquando, & ſe ad frugem bonam, ut dicitur, recepiſſe, graveſque homines atque illuſtres fuiſſe. Datur enim conceſſu omnium huic aliquis ludus ætati, & ipſa natura profundit adoleſcentiæ cupiditates: quæ ſi ita erumpunt, ut nullius vitam labefactent, nullius domum evertant, faciles & tolerabiles haberi ſolent. Sed tu mihi videbare ex communi infamia, juventutis aliquam invidiam Cœlio velle conflare; itaque omne illud ſilentium, quod eſt orationi tributum tuæ, fuit ob eam cauſam, quòd uno reo propoſito, de multorum vitiis cogitabamus. Facile eſt accuſare luxuriem; dies jam me deficiet, ſi, quæ dici in eam ſententiam poſſunt, coner expromere; de corruptelis, de adulteriis, de protervitate, de ſumptibus, immenſa oratio eſt ut tibi reum neminem, ſed vitia proponas; res tamen ipſa & copioſe, & graviter accuſari poteſt. Sed veſtræ ſapientiæ eſt, Judices, non abduci ab reo: nec quos aculeos habeat ſeveritas gravitaſque veſtra, cùm eos accuſator erexerit in rem, in vitia, in mores, in tempora, emittere in hominem, & in reum: cum is non ſuo crimine, ſed multorum vitio ſit in quoddam odium injuſtum vocatus. Itaque ſeveritati tuæ, ut oportet, ita reſpondere non audeo: erat enim meum deprecari vacationem adoleſcentiæ, veniamque petere: non, inquam, audeo: perſugiis non utor ætatis: conceſſa omnibus jura dimitto: tantum peto, ut, ſi qua eſt invidia communis hoc tempore æris alieni, petulantiæ, libidinum juventutis, quam video eſſe magnam, ne huic aliena peccata, ne ætatis ac temporum vitia noceant. Atque ego idem, qui hæc poſtulo, quin criminibus, quæ in hunc proprie conferuntur, diligentiſſimè reſpondeam, non recuſo.

XIII.

NOTES.

(20.) *Qui Baias viderit.*] Baiæ was in Campania between Puteoli and Miſenum. It was frequented, at certain ſeaſons of the year, by people of faſhion from all parts of Italy, being famous for ſprings of warm water, where they uſed to bathe.

with great vehemence, ſeemed all on fire, ſpoke loud and with great acrimony; but I was under no great apprehenſions from what he ſaid, though I was pleaſed with his eloquence; for I had ſeen him in other cauſes wrangling to no purpoſe. But with your leave, Balbus, I will anſwer you firſt, if I may be allowed, if I may take upon me to defend a man who never refuſed a banquet of any kind, who deals in perfumes, and who has been at Baiæ.

SECT. XII. I have ſeen and heard of many in this city, who, having not only juſt taſted this way of life, and, as we ſay, touched it with their finger-ends; but having proſtituted the whole of their youth to pleaſure, have at laſt extricated themſelves, become, according to the common ſaying, good huſbands, and proved men of worth and eminence. Some diverſions are allowed this age by all; and nature herſelf beſtows paſſions on youth with a laviſh hand; which, in their ſallies, if they endanger no one's life, demoliſh no one's houſe, are looked upon as moderate and tolerable. But from the common vices of youth, you ſeemed to me to aim at bringing an odium upon Cœlius. Accordingly, all that profound ſilence with which your ſpeech was heard, was owing to this, that our thoughts were led, from a ſingle inſtance, to the general corruption of the times. But nothing is more eaſy than to bring a charge againſt luxury; and night would overtake me, ſhould I attempt to advance whatever may be ſaid upon that ſubject: corruption of manners, adulteries, wantonneſs, and extravagance, furniſh out an ample field for declamation. To attack vice in general, without accuſing any perſon, would be a copious and weighty ſubject. But your wiſdom, my Lords, is concerned not to loſe ſight of the accuſed, nor, when the proſecutor has given an edge to your ſeverity and gravity againſt things, againſt vices, againſt immoralities, againſt the times, to point it againſt a man, againſt one who is accuſed before you, and who is brought under an unjuſt odium, not for any perſonal crime, but for the vices of the multitude. I dare not therefore return ſuch an anſwer to your ſeverity as it deſerves; for I meant to intercede for youth, and to plead for ſome indulgence to their follies: I ſay, I dare not: I renounce the rights that are allowed to all, I ſhall not avail myſelf of the privileges of youth; all I deſire is, that, if the contracting of debts, if arrogance, if youthful debaucheries lie at preſent under a general odium, as I ſee they do, the vices of others, nor the depravity of the times may be no prejudice to Cœlius. At the ſame time that I aſk this, I am far from refuſing to return an exact anſwer to the perſonal accuſations that are brought againſt him.

SECT.

XIII. Sunt autem duo crimina, auri, & veneni: in quibus una, atque eadem perſona verſatur. Aurum ſumptum à Clodia, venenum quæſitum, quod Clodiæ daretur, dicitur; omnia ſunt alia, non crimina, ſed maledicta, jurgii petulantis magis, quàm publicæ quæſtionis; adulter, impudicus, ſequeſter, convicium eſt, non accuſatio; nullum eſt enim fundamentum horum criminum, nulla ſedes; voces ſunt contumelioſæ, temere ab irato accuſatore, nullo auctore, emiſſæ. Horum duorum criminum video fontem, video auctorem, video certum nomen & caput; auro opus fuit: ſumpſit à Clodia, ſumpſit ſine teſte, habuit quamdiu voluit; maximum video ſignum cujuſdam egregiæ familiaritatis; necare eandem voluit, quæſivit venenum, ſolicitavit quos potuit, paravit, locum conſtituit, attulit; magnum rurſus odium video cum crudeliſſimo diſcidio extitiſſe. Res eſt omnis in hac cauſa nobis, Judices, cum Clodia, muliere non ſolùm nobili, ſed etiam nota, de qua ego nihil dicam, niſi depellendi criminis cauſa. Sed intelligis pro tua præſtanti prudentia, Cn. Domiti, cum hac ſola rem eſſe nobis: quæ ſi ſe aurum Cœlio commodaſſe non dicit, ſi venenum ab hoc ſibi paratum eſſe non arguit; petulanter facimus, (21.) ſi matrem-familias ſecus, quam matronarum ſanctitas poſtulat, nominamus; ſin iſtâ muliere remotâ, nec crimen ullum, nec opes ad oppugnandum Cœlium illis relinquentur, quid eſt aliud quod nos patroni facere debeamus niſi ut eos, qui inſectantur, repellamus? quod quidem facerem vehementius, niſi intercederent mihi inimicitiæ (22.) cum iſtius mulieris viro: fratrem volui dicere: ſemper hîc erro; nunc agam modice, ne longius progrediar, quam me mea fides, & cauſa ipſa coget; neque enim muliebres unquam inimicitias mihi gerendas putavi, præſertim cum ea, quam omnes ſemper amicam omnium potius, quàm cujuſquam inimicam putaverunt.

XIV. Sed tamen ex ipſa quæram prius, utrum me ſecum ſevere, & graviter, & priſce agere malit; an remiſſe, ac leniter, & urbane; ſi illo auſtero more ac modo: aliquis mihi ab inferis excitandus eſt, ex barbatis illis, non hac barbula, qua iſta delectatur; ſed illâ horridâ, quam in ſtatuis antiquis & imaginibus videmus: qui objurget mulierem, & pro me loquatur, ne iſta mihi forte ſuccenſeat. Exſiſtat

NOTES.

(21.) *Si matrem-familias ſecus, quam matronarum ſanctitas poſtulat, nominamus.*] Some critics diſtinguiſh between *mater-familias* and *matrona*; but that they were uſed promiſcuouſly among the Romans, to ſignify a lady of a chaſte reputation, appears from this, and other places of Cicero's writings.

(22.) *Cum iſtius mulieris viro.*] P. Clodius is here meant; an abandoned debauchee, who, according to Plutarch, was guilty of inceſt with each of his three ſiſters.

SECT. XIII. He is charged with two, one concerning gold, another concerning poiſon; and both relate to the ſame perſon: It is ſaid that gold was borrowed of Clodia, and that poiſon was prepared to give her. Whatever elſe is advanced, is only ſcandal, not accuſation, and more proper for a ſcolding bout than a public trial. To call one an adulterer, a debauchee, a pimp, is to ſcandalize, not to accuſe him; there is no ground for ſuch accuſations; they are abuſive terms raſhly thrown out by an angry proſecutor, without any foundation. As to theſe two charges I ſee the ſource, I ſee the author, I ſee the true cauſe and principle of them. Cœlius wanted gold; he borrowed of Clodia; he borrowed it without witneſſes, and kept it as long as he pleaſed: Theſe are clear proofs of a great intimacy. He had a mind to kill Clodia; he looked out for poiſon; he ſolicited every perſon he could; he prepared it; he appointed the place; he brought it: Here again I can perceive great hatred, with a moſt violent quarrel. In this cauſe, my Lords, we have only to do with Clodia; a woman not only noble, but alſo well known; concerning whom I ſhall ſay nothing but what is neceſſary for refuting the accuſation. But Cn. Domitius, 'tis eaſy for one of your great diſcernment, to ſee that our buſineſs is with her alone: If ſhe ſays that ſhe lent no gold to Cœlius, if ſhe does not accuſe him of having prepared poiſon for her, we are impertinent in mentioning the mother of a family in a manner different from what the honour of matrons requires. But, if ſetting Clodia aſide, our adverſaries will have neither an accuſation to bring againſt Cœlius, nor any means left of attacking him, what elſe is incumbent upon us who are his advocates, but to repulſe thoſe who attack us? And this indeed I would do with vigour, were it not for the animoſity that ſubſiſts between me and that lady's huſband; I meant to ſay her brother; I always fall into that miſtake. Now I will act gently, leſt I exceed the bounds which my duty, and the cauſe I am defending, preſcribe to me; for I have always thought it incumbent upon me, to avoid being on bad terms with the ladies, eſpecially with Clodia, who has always had the character of being rather good-natured to every body, than an enemy to any.

SECT. XIV. But firſt I will aſk herſelf, whether ſhe would have me deal with her in a ſevere, ſolemn, old-faſhioned manner, or in a ſoft, gentle, and courteous one. If in the auſtere manner, I muſt ſummon up from the ſhades ſome of thoſe gentlemen with long beards, and not with ſuch a young one as ſhe is fond of; but with a rough one, ſuch as we ſee in old ſtatues and images, to reprove the lady, and ſpeak in my ſtead, leſt ſhe ſhould happen to be angry with me. Let one of her own family then riſe up, and blind Appius

Exſiſtat igitur ex hac ipſa familia aliquis, ac potiſſimum (23.) Cæcus ille; minimum enim dolorem capiet, qui iſtam non videbit; qui profecto ſi extiterit, ſic aget, & ſic loquetur: Mulier, quid tibi cum Cœlio? quid cum homine adoleſcentulo? quid cum alieno? cur aut tam familiaris huic fuiſti, ut aurum commodares; aut tam inimica, ut venenum timeres? non patrem tuum videras? non patruum, non avum, proavum, atavum audieras conſules fuiſſe? non denique modo te Quinti Metelli matrimonium tenuiſſe ſciebas, clariſſimi & fortiſſimi viri, patriæque amantiſſimi, qui ſimul ac pedem limine extulerat, omnes prope cives virtute, gloriâ, dignitate ſuperabat? cui cum ex ampliſſimo genere in familiam clariſſimam nupſiſſes, cur tibi Cœlius tam conjunctus fuit? cognatus? affinis? viri tui familiaris? nihil horum; quid igitur fuit, niſi quædam temeritas ac libido? nonne te, ſi noſtræ imagines viriles non commovebant, ne progenies quidem mea, (24.) Q. illa Clodia, æmulam domeſticæ laudis in gloria muliebri eſſe admonebat? non virgo illa Veſtalis Clodia, quæ patrem complexa triumphantem ab inimico tribuno-plebis de curru detrahi paſſa non eſt? cur te fraterna vitia potius, quàm bona paterna, & avita, & uſque à nobis cum in viris, tum etiam in fœminis repetita, moverunt? (25.) Ideo-ne ego pacem Pyrrhi diremi, ut tu amorum turpiſſimorum quotidie fœdera ferires? (26.) ideo aquam adduxi, ut ea tu inceſtè uterere? ideo viam munivi, ut eam tu alienis viris comitata celebrares?

XV. Sed quid ego, Judices, ita gravem perſonam induxi, ut & verear, ne ſe idem Appius repente convertat, & Cœlium incipiat accuſare illa ſua gravitate cenſoria? Sed videro hoc poſterius, atque ita Judices, ut vel ſeveriſſimis diſceptatoribus M. Cœlii vitam me probaturum

NOTES.

(23.) *Cæcus ille.*] Nothing could ſet Clodia's infamy in a clearer or ſtronger point of view, or more powerfully affect the minds of the audience, than the artful manner in which Cicero here contraſts her character with that of her illuſtrious anceſtors. Her family was one of the moſt conſiderable in Rome, and the perſon introduced to expoſtulate with her was old Appius Claudius, a famous orator and civilian, who loſt his ſight in the latter part of his life.

(24.) *Quinta illa Clodia.*] When Scipio Naſica went to meet the goddeſs Cybele, who was brought to Rome towards the end of the ſecond Punic war, he was attended by ſuch of the ladies of Rome, as were in the higheſt veneration for their virtue. Some of the veſtals likewiſe accompanied him, and particularly this *Quinta Clodia*; of whom it is related, that when the veſſel, on which the goddeſs was imported, unfortunately ſtuck upon a bank of ſand near the mouth of the Tyber, and neither the mariners, nor ſeveral yoke of oxen, were able to move it, ſhe, pulling it only by her girdle tied to it, eaſily ſet it a-float. *Clodia* is ſaid to have been ſuſpected of incontinence; and it is added, that this miracle was wrought in anſwer of her prayer to the goddeſs, to give a teſtimony of her innocence.

(25.) *Ideo-ne ego pacem Pyrrhi diremi.*] When Cyneas was ſent by Pyrrhus to the Roman ſenate with propoſals of peace, he found ſeveral of the conſcript fathers diſpoſed to accept them. Appius, who had for ſome time retired from all public buſineſs, and confined himſelf wholly to his family, on account of his great age and the loſs of his ſight, upon hearing the report of what paſſed in the ſenate, cauſed himſelf to be carried in the arms of his domeſtics to the ſenate-houſe, where, by an animated ſpeech, he ſo awaken-

ed

pius rather than any other; for, as he cannot ſee her, his grief will be the leſs. Were he to appear, he would behave thus, and addreſs her in the following manner: Woman! what is thy buſineſs with Cœlius? What with a boy? What with a ſtranger? Why was you either ſo intimate with him as to lend him money, or ſo much his enemy as to be afraid of being poiſoned by him? Haſt thou not ſeen thy father in the conſulſhip, not heard that thy uncle, thy grandfather, thy great grandfather, and his father were conſuls? Art thou ignorant that Q. Metellus was thy huſband, a man of the greateſt eminence and bravery, and a diſtinguiſhed patriot, who no ſooner appeared in a public character, than he ſurpaſſed almoſt all his countrymen in glory, merit, and dignity? After being married into ſo illuſtrious a family, thyſelf too nobly deſcended, why was Cœlius ſo intimate with thee? Was he thy relation? thy kinſman? thy huſband's intimate? He was none of all theſe. What then could be the reaſon, but indiſcretion and luſt? If the images of the men of our family did not move thee, ought not my daughter Q. Clodia to have excited in thy breaſt an emulation of her domeſtic virtues, the chief glory of a woman? Ought not that Clodia, the veſtal virgin, who embracing her father in his triumphal car would not ſuffer a tribune of the people, who was his enemy, to tear him from it? Why doſt thou imitate the vices of a brother, rather than the virtues of a father, a grandfather, of a whole family, from me downward, both males and females? Did I hinder my country from entering into a peace with Pyrrhus, that you might daily enter into engagements of infamous amours? Did I ſupply the city with water, that you might uſe it for the purpoſes of impurity? Did I make a high way to be frequented by you and your gallants?

SECT. XV. But what's this I am doing, my Lords? I have introduced ſo venerable a character, that I am afraid leſt the ſame Appius ſhould turn againſt Cœlius of a ſudden, and accuſe him with his cenſorial gravity. But I ſhall ſpeak to that by and by; and in ſuch a manner, my Lords, that I flatter myſelf I ſhall vindicate

NOTES.

ed the Roman ſpirit in the ſenators, that without farther debate they unanimouſly paſſed a decree, inſtantly to diſmiſs the ambaſſador with this anſwer: *That the Romans would enter into no treaty with king Pyrrhus, ſo long as he continued in Italy; but with all their ſtrength would purſue the war againſt him, though he ſhould vanquiſh a thouſand Lavinus's.*

(26.) *Ideo aquam adduxi, ideo viam munivi?*] The firſt invention of the Roman aquæducts is attributed to Appius, who brought water into Rome, in the year of the city 441, by a channel of eleven miles in length. He likewiſe built the famous *Via Appia*, which took its name from him: a conſiderable part of this extraordinary work ſtill remains, and though it has laſted above two thouſand years, is, in moſt places, for ſeveral miles together as entire as when it was firſt made.

probaturum esse confidam. Tu vero, mulier (jam enim ipse tecum nulla persona introducta loquor) si ea, quæ facis, quæ dicis, quæ insimulas, quæ moliris, quæ arguis, probare cogitas; rationem tantæ familiaritatis, tantæ consuetudinis, tantæ conjunctionis reddas, atque exponas necesse est. Accusatores quidem libidines, amores, adulteria, Baias, actas, convivia, comissationes, cantus, symphonias, navigia jactant: iidemque significant, nihil se, te invitâ, dicere; quæ tu, quoniam mente nescio qua effrenata atque præcipiti in forum deferri judiciumque voluisti, aut diluas oportet, & falsa esse doceas, aut nihil neque crimini tuo, neque testimonio credendum esse fateare. Sin autem urbanius me agere mavis, sic agam tecum; removebo illum senem durum, ac pene agrestem: ex hisque tuis sumam aliquem, ac potissimum minimum fratrem tuum, qui est in isto genere urbanissimus, qui te amat plurimum: qui propter nescio quam, credo, timiditatem, & nocturnos quosdam inanes metus, tecum semper pusio cum majore sorore cubitavit; eum putato tecum loqui: Quid tumultuaris, soror? quid insanis? quid clamore exorsa, verbis parvam rem magnam facis? vicinum adolescentulum adspexisti: candor hujus te & proceritas, vultus oculique perpulerunt: sæpius videre voluisti: nonnunquam in iisdem hortis visa nobilis mulier: illum filium familias patre parco ac tenaci, habere tuis copiis devinctum non potes: calcitrat, respuit, non putat tua dona esse tanti; confer te alio; habes hortos ad Tiberim: ac diligenter eo loco præparasti, quo omnis juventus natandi causa venit; hinc licet conditiones quotidie legas: cur huic, qui te spernit, molesta es?

XVI. Redeo nunc ad te, Cœli, viciſſim, ac mihi auctoritatem patriam severitatemque suscipio: sed dubito, quem patrem potissimum sumam. (27.) Cæcilianum-ne aliquem, vehementem atque durum? *Nunc enim demum mihi animus ardet, nunc meum cor cumulatur ira:* aut illum, *ô infelix! ô sceleste!* Ferrei sunt isti patres. *Ego-ne quid dicam? ego-ne quid velim? quæ tu omnia tuis fœdis factis facis, ut nequidquam velim.* Vix ferenda diceret talis pater, *Cur te in istam vicinitatem meretriciam contuliſti? cur illecebris cognitis non refugisti? cur alienum ullam mulierem nosti? dide ac dissice, per me licebit:*

NOTES.

(27.) *Cæcilianum-ne aliquem, vehementem atque durum?*] This Cæcilius was a comic poet, most of whose characters were of the grave and morose kind.

dicate the character of M. Cœlius, to the ſatisfaction even of the ſevereſt judges. As for you, Clodia, for now I ſpeak to you myſelf, without introducing a feigned character; if you think of proving your actions, your words, your accuſations, your fictions, your affirmations, there is a neceſſity for your declaring the cauſe of this great familiarity, this great friendſhip, this great intimacy. Our accuſers talk loudly of debaucheries, amours, adulteries, the baths, banquets, collations, ſongs, concerts, and pleaſure-boats; while at the ſame time they give out, that they ſay nothing without your directions. All this, as your violent and wayward humour has brought you into the forum and before the court, you muſt either diſown and ſhew to be falſe, or allow that no credit is due either to your accuſation or your teſtimony. But if you would have me deal more courteouſly with you, I will do it thus; I will remove that rigid and almoſt ſavage old man, and make choice of one of theſe kinſmen of yours; your youngeſt brother rather than any other, who is perfectly polite in this way, who is very fond of you, who from an unaccountable kind of timidity, and being ſubject, I imagine, to fears in the night time, has always lain with you, like a little maſter, as he is, with his elder ſiſter? Suppoſe him then to addreſs you thus: Why do you make all this noiſe and buſtle, ſiſter? Why are you in this fury? Why do you ſwell ſuch a trifle into a matter of importance by your clamor? You have caſt your eyes on a young neighbour; his complexion, his figure, his air, his eyes have charmed you; you have been fond of ſeeing him often; you have been ſeen ſometimes in the ſame gardens with him, a woman of your diſtinction; with all your riches you cannot engage him, tho' ſtill under the tuition of a griping ſtingy father; he ſpurns, he diſdains, he ſlights your preſents. Betake yourſelf to ſome other place: you have gardens nigh the Tiber, and have been at great pains to fit up an apartment near the place where all our youth go to bathe; from thence you may have an opportunity every day of gratifying yourſelf: why are you troubleſome to one who deſpiſes you?

SECT. XVI. I come now to you, Cœlius, in your turn, and aſſume the authority of a father; but I know not what father I ſhall perſonate: ſhall it be one of Cæcilius's paſſionate, rigid fathers?—*Now my ſoul is all on fire, and my breaſt ſwells with paſſion.*—Or, ſhall I aſſume the character of that other. *O Wretch, O profligate!* Theſe fathers have hearts of ſteel.—*What ſhall I ſay? What ſhall I propoſe? Your infamous deeds defeat all my purpoſes.* The reproofs of ſuch a father would be almoſt intolerable, *Why did you go into the neighbourhood of a proſtitute? Why, knowing her ſeducing charms, did you not retire? Why be familiar with another's wife? ſquander*

licebit: ſi egebis, tibi dolebit: mihi ſat eſt, qui ætatis quod reliquum eſt oblectem meæ. Huic triſti ac decrepito ſeni reſponderet Cœlius, ſe nulla cupiditate inductum de viâ deceſſiſſe. Quid ſigni? nulli ſumptus, nulla jactura, nulla verſura. At fuit fama. Quotuſquiſque iſtam effugere poteſt in tam maledica civitate? vicinum ejus mulieris miraris male audiſſe, cujus frater germanus ſermones iniquorum effugere non potuit? Leni verò & clementi patri, cujuſmodi ille eſt: *Fores effregit? reſtituentur: diſcidit veſtem? reſarcietur*, Cœlii cauſa eſt expeditiſſima. Quid enim eſſet, in quo ſe non facile defenderet? Nihil jam in iſtam mulierem dico: (28.) ſed ſi eſſet aliqua diſſimilis iſtius, quæ ſe omnibus pervulgaret, quæ haberet palam decretum ſemper aliquem, cujus in hortos, domum, Baias, jure ſuo libidines omnium commearent; quæ etiam aleret adoleſcentes, & parſimoniam patrum ſuis ſumptibus ſuſtentaret: ſi vidua libere, proterva petulanter, dives effuſe, libidinoſa meretricio more viveret; adulterum ego putarem, ſi quis hanc paullo liberius ſalutaſſet?

XVII. Dicet aliquis, Hæc igitur eſt tua diſciplina? ſic tu inſtituis adoleſcentes? ob hanc cauſam tibi hunc puerum parens commendavit, & tradidit, ut in amore & voluptatibus adoleſcentiam ſuam collocaret; & hanc tu vitam atque hæc ſtudia defenderes? Ego, ſi quis, Judices, hoc robore animi, atque hac indole virtutis ac continentiæ fuit, ut reſpueret omnes voluptates, omnemque vitæ ſuæ curſum in labore corporis, atque in animi contentione conficeret: quem non quies, non remiſſio, non æqualium ſtudia, non ludi, non convivia delectarent; nihil in vita expetendum putaret, niſi quod eſſet cum laude & cum dignitate conjunctum; hunc mea ſententia divinis quibuſdam bonis inſtructum atque ornatum puto. Ex hoc genere illos fuiſſe arbitror (29.) Camillos, Fabricios, Curios, omneſque eos, qui hæc ex minimis tanta fecerunt. Verum hæc genera virtutum non ſolum in moribus noſtris, ſed vix jam in libris reperiuntur; chartæ

NOTES.

(28.) *Sed ſi eſſet aliqua diſſimilis iſtius.*] Cicero, in this paſſage, while he affects to introduce another character, paints that of Clodia in the ſtrongeſt colours.

(29.) *Camillos, Fabricios, Curios.*] Camillus was a captain of great valour and capacity. He was maliciouſly accuſed of having taken to his own uſe ſome part of the ſpoil of the city Veii, and to avoid the diſgrace of a condemnation, baniſhed himſelf. Not long after, when Rome was burnt by the Gauls, and the capitol inveſted, this generous Roman, more afflicted at the calamities of his country, than at his own baniſhment, came to her aſſiſtance while ſhe was treating about a peace, broke off the treaty, and ſo totally vanquiſhed and deſtroyed the enemy, that not a man was left to carry home the news of their diſaſter.——Fabricius was one of the three embaſſadors ſent by the Romans to treat with Pyrrhus, about a releaſe of priſoners; he was a man of diſtinguiſhed virtue, a brave and able warrior, and extremely poor. ——Curius was remarkable for living in a voluntary poverty: He triumphed over the Samnites, and in the diſtribution of their lands among thoſe Romans who had none of their own, allotted to each man no more than ſeven acres, and accepted no more himſelf, though a much larger portion was offered him. He ſaid, that to preſerve the Roman frugality, it were to be wiſhed that no man had more land than was neceſſary for his ſubſiſtence.

and diſſipate your fortune; you may for me; if you are reduced to want, 'tis yourſelf muſt ſuffer; as for me, I have enough to render the ſhort remainder of my life comfortable. To this ſevere and decrepid old man, Cœlius might anſwer, that he had not deviated from the path of his duty through any irregular paſſion. But how does this appear? Why I was not extravagant in my expences, I ſuſtained no loſſes, contracted no debts: But it was reported that you had. Who can guard againſt reports in a city ſo much addicted to ſcandal? Are you ſurprized that a neighbour of this lady had his reputation attacked, when her own brother could not eſcape the laſh of malicious tongues? But before a mild and indulgent father, who ſhould talk in the following manner: *Has he broke open doors? let them be repaired: Has he torn a garment? let it be mended:* The cauſe of Cœlius may very eaſily be defended. For what article is there, upon which he might not eaſily vindicate himſelf? I ſay nothing now againſt that lady: but ſhould there be one of a different character from hers, who ſhould proſtitute herſelf to all, who ſhould always have ſome one or other to beſtow her favours upon, and that publicly; whoſe houſes, gardens, baths, ſhould be thrown open for the purpoſes of promiſcuous lewdneſs; nay, who ſhould maintain young men, and employ her money in making amends for the ſcanty allowances of griping fathers: if ſuch a lady ſhould live licentiouſly in her widowhood, ſhew the lewdneſs of her diſpoſition by the wantonneſs of her behaviour, uſe her riches for the purpoſes of extravagance, and if her luſt ſhould lead her to proſtitution, can that man be thought an adulterer, who ſhall be pretty free in his addreſſes to her?

SECT. XVII. But ſome perſon will be ready to ſay, what are theſe then your inſtructions? Is it thus you educate youth? Was it for this that Cœlius was recommended to you when a boy, and delivered up to your care by his father, that he might ſpend his younger years in amours and pleaſures? Are you become an advocate for ſuch purſuits, and for ſuch a courſe of life? If there is a perſon, my Lords, of ſuch firmneſs of mind, of ſuch a bias to virtue and temperance, as to reject all pleaſures, and make his whole life one continued ſcene of bodily toils and mental efforts; one for whom neither repoſe, nor amuſement, nor the purſuits of his equals, nor diverſions, nor banquetings have any charms; who thinks nothing deſirable in life but what is glorious and honourable; he is, in my opinion, furniſhed and adorned with qualities more than human. Such, I apprehend, were the Camilli, the Fabricii, the Curii, and all thoſe who have raiſed this empire to ſuch a height of grandeur from ſo ſmall a beginning. But ſuch exalted virtues are not to be found in the manners of the preſent times,

chartæ quoque, quæ illam priſtinam ſeveritatem continebant, obſoleverunt: neque ſolum apud nos, qui hanc ſectam rationemque vitæ, re magis, quam verbis ſecutis ſumus; ſed etiam apud Græcos, doctiſſimos homines; quibus, cum facere non poſſent, loqui tamen & ſcribere honeſte & magnifice licebat. Alia quædam, mutatis Græciæ temporibus, præcepta exſtiterunt. Itaque (30.) alii voluptatis cauſa omnia ſapientes facere dixerunt: neque ab hac orationis turpitudine eruditi homines refugerunt; alii cum voluptate dignitatem conjungendam putaverunt, ut res maxime inter ſe repugnantes dicendi facultate conjungerent. Illud unum ad laudem cum labore directum iter qui probaverunt, prope jam ſoli in ſcholis ſunt relicti; multa enim nobis blandimenta natura ipſa genuit, quibus ſopita virtus conniveret: & interdum multas vias adoleſcentiæ lubricas oſtendit, quibus illa inſiſtere, aut ingredi ſine caſu aliquo aut prolapſione vix poſſet: & multarum rerum jucundiſſimarum varietatem dedit, qua non modo hæc ætas, ſed etiam jam corroborata caperetur. Quamobrem ſi quem forte inveneritis, qui aſpernetur oculis pulchritudinem rerum, non odore ullo, non tactu, non ſapore capiatur, excludat auribus omnem ſuavitatem; huic homini ego fortaſſe & pauci deos propitios, plerique autem iratos putabunt.

XVIII. Ergo hæc deſerta via, & inculta, atque intercluſa jam frondibus & virgultis relinquatur: detur aliquid ætati: ſit adoleſcentia liberior: non omnia voluptatibus denegentur: non ſemper ſuperet vera illa & directa ratio: vincat aliquando cupiditas voluptaſque rationem; dummodo illa in hoc genere præſcriptio, moderatioque teneatur: parcat juventus pudicitiæ ſuæ, ne ſpoliet alienam: ne effundat patrimonium, ne fœnore trucidetur, ne incurrat in alterius domum atque famam: ne probrum caſtis, labem integris, infamiam bonis, inferat: ne quem vi terreat: ne interſit inſidiis: ſcelere careat: (31.) poſtremò, cum paruerit voluptatibus, dederit aliquid temporis ad ludum ætatis, atque ad inanes haſce adoleſcentiæ cupiditates:

NOTES.

(30.) *Alii voluptatis cauſa omnia ſapientes facere dixerunt.*] The Epicureans are here meant, to whoſe doctrine Cicero was a declared enemy, looking upon it as pernicious to ſociety, and deſtructive of morality.

(31.) *Poſtremo cum paruerit voluptatibus.*] As Cicero may appear to ſome to be an advocate for libertiniſm in this oration, and to plead for too much indulgence to the vices and follies of youth, it ought to be conſidered that his orations are not always the proper vouchers of his opinions, being moſtly of the judicial kind, or the pleadings of an advocate, whoſe buſineſs it was to make the beſt of his cauſe, and to deliver, not ſo much what was true, as what was uſeful to his client; the patronage of truth belonging in ſuch caſes to the judge, and not to the pleader. It would be abſurd therefore to require a ſcrupulous veracity, or ſtrict declaration of his ſentiments in them; the thing does not admit of it, and he himſelf forbids us to expect it. In his oration for Cluentius, he freely declares the true nature of all his judicial pleadings. *That man*, ſays he, *is much miſtaken, who thinks, that in theſe judicial pleadings, he has an authentic ſpecimen of our opinions; they are the ſpeeches of the cauſes and the times, not of the men or the advocates; if the cauſes could ſpeak for themſelves,*

so

ny ſcarce indeed in their writings. The very books that contained this antient ſeverity are become antiquated, not only among us, who have followed this manner of life more by our actions than by our words, but likewiſe among the Greeks, that very learned nation; who when they could not practiſe ſuch rigid virtue, were ſtill at liberty to praiſe it highly both in ſpeaking and writing. Since this change in Greece, a different ſet of philoſophers has ariſen. Some of them maintain, that the wiſe do every thing for the ſake of pleaſure; and even their learned men talk in this ſhameful manner. Others have thought that honour is to be joined with pleaſure, that by their eloquence they might unite things ſo very oppoſite in their natures. Thoſe who affirm that labour is the only path that leads to glory, are almoſt left alone within their ſchools. For nature herſelf has furniſhed us with many allurements which overpower virtue, and lull her aſleep; ſhe points out from time to time many ſlippery paths to youth, in which they can neither ſtand nor walk, but they are in danger of falling or making ſome falſe ſtep; and ſuch is the variety of delightful objects wherewith ſhe preſents us, that not only the early part, but the moſt robuſt and confirmed period of life, is liable to be ſeduced by it. If you happen then to find one, whoſe eye deſpiſes beauty, to whom the richeſt odours can give no delight, who is indifferent to the moſt exquiſite pleaſures his ſenſe of feeling renders him capable of, whoſe palate refuſes to be gratified, and whoſe ears are deaf to harmony; I, perhaps, and a few others, may think that the gods have been favourable to ſuch a perſon, but the generality will think they have been cruel to him.

SECT. XVIII. Let us quit then this unfrequented and rugged path, which is now covered with briars and buſhes; let ſome allowances be made to youth; let more liberty be granted it; let pleaſure be ſometimes indulged; let not pure and unbiaſſed reaſon always prevail; let paſſion and pleaſure ſometimes obtain the victory, provided they be kept within the bounds of moderation; let the young man be tender of his own chaſtity, and not violate that of another; let him not ſquander his fortune, nor ruin himſelf by mortgages, nor attack the houſe, nor the reputation of another; let him bring no ſtain upon the chaſte, no reproach upon the uncorrupted, no diſhonour upon the worthy; let him terrify none by open force, nor hurt them by ſecret contrivances; let him be free from crimes: And after having indulged to pleaſure, and ſpent ſome part of his time in the diverſions and trifling purſuits of youth, let him at

NOTES.

no body would employ an orator; but we are employed to ſpeak, not what we would undertake to affirm upon our authority, but what is ſuggeſted by the cauſe and the thing itſelf.

cupiditates: revocet ſe aliquando ad curam rei domeſticæ, rei forenſis, reipublicæ: ut ea, quæ ratione antea non perſpexerat, ſatietate abjeciſſe, experiendo contempſiſſe videatur. Ac multi & noſtra, & patrum majorumque memoria, Judices, ſummi homines, & clariſſimi cives fuerunt, quorum cum adoleſcentiæ cupiditates deferbuiſſent, eximiæ virtutes, firmata jam ætate, exſtiterunt: ex quibus neminem mihi neceſſe eſt nominare; voſmet vobiſcum recordamini; nolo enim cujuſquam fortis atque illuſtris viri, ne minimum quidem erratum cum maxima laude conjungere; quod ſi facere vellem, multi à me ſummi atque ornatiſſimi viri prædicarentur, quorum partim nimia libertas in adoleſcentia, partim profuſa luxuries, magnitudo æris alieni, ſumptus, libidines nominarentur: quæ multis poſtea virtutibus obtecta, adoleſcentiæ, qui vellet, excuſatione defenderet.

XIX. At verò in M. Cœlio (dicam enim jam confidentius de ſtudiis ejus honeſtis, quoniam audeo quædam fretus veſtra ſapientia liberè confiteri) nulla luxuries reperietur, nulli ſumptus, nullum æs alienum, nulla conviviorum ac luſtrorum libido; quod quidem vitium ventris & gutturis non modo non minuit ætas hominibus, ſed etiam auget. Amores autem, & hæ deliciæ quæ vocantur, quæ firmiore animo præditis diutius moleſtæ non ſolent eſſe (mature enim & celeriter defloreſcunt) nunquam hunc occupatum impeditumque tenuerunt. Audiſtis, cum pro ſe diceret: audiſtis antea, cum accuſaret: defendendi hæc cauſa, non gloriandi loquor; genus orationis, facultatem, copiam ſententiarum atque verborum, quæ veſtra prudentia eſt, perſpexiſtis. Atque in eo non ſolum ingenium elucere ejus videbatis; quod ſæpe, etiamſi induſtria non alitur, valet tamen ipſum ſuis viribus: ſed inerat (niſi me propter benevolentiam forte fallebat) ratio & bonis artibus inſtituta, & cura & vigiliis elaborata. Atque ſcitote, judices, eas cupiditates quæ objiciuntur Cœlio, atque hæc ſtudia, de quibus diſputo, (32.) non facile in eodem homine eſſe poſſe; fieri enim non poteſt, ut animus libidini deditus, amore, deſiderio, cupiditate, ſæpe nimia copia, inopia, etiam nonnunquam impeditus, hoc quidquid eſt, quod nos facimus in dicendo, non modo agendo, verumetiam cogitando, poſſit ſuſtinere. An vos aliam cauſam eſſe ullam putatis, cum in tantis præmiis eloquentiæ

NOTES.

(32.) *Non facile in eodem homine eſſe poſſe.*] What is here advanced muſt be looked upon not as the orator's real ſentiments, but as ſomething ſpecious thrown out in order to make the beſt of his cauſe. Had it been neceſſary, Cicero could eaſily have produced a variety of characters wherein gallantry and application to ſtudy and buſineſs were united: and indeed a moderate acquaintance with the world will ſhew that there is in fact no inconſiſtence between them.

at laſt recall his thoughts to his private concerns, to thoſe of the forum, and to thoſe of the ſtate, that what he had not before viewed with the eye of reaſon, he may ſeem to have rejected through ſatiety, and to have ſlighted from experience. And indeed there have been many great and eminent men, my Lords, in our own days, and in the days of our fathers and forefathers, who, after the heat of youthful paſſion has abated, have, in the maturity of age, diſplayed the moſt ſublime and illuſtrious virtues. It is needleſs for me to name any of them, you yourſelves can recollect them; for I will not blend even the ſlighteſt failing of any brave and illuſtrious man with his greateſt praiſe. Were I diſpoſed to do it, I could mention many great and celebrated perſons, ſome of whom, however, were, in the earlier part of life, very licentious, others profuſely luxurious, ſome involved in debt, others extravagant and debauched: But theſe miſcarriages, being covered afterwards by many virtues, might be defended by any one, by pleading their youth.

SECT. XIX. As to M. Cœlius, (for now that relying on your wiſdom, I have readily acknowledged ſome of his indiſcretions, I will ſpeak with more boldneſs of his virtuous purſuits) it will be found that he has never been luxurious, never extravagant, never in debt, never paſſionately fond of voluptuous banquetings, or places of bad fame. For luſt and intemperance are ſo far from being diminiſhed, that they are increaſed by age. But as to amours, and what we call gallantry, which generally do not long diſturb thoſe who are endued with any firmneſs of mind (for they ſoon decay), theſe never fettered, never engroſſed him. You heard him when he pleaded his own cauſe; you heard him before, when he accuſed Palla: I ſay this to defend him, and not to boaſt of him: You obſerved, ſuch is your diſcernment, his manner of pleading, his great readineſs, and the richneſs of his ſentiments and language. You ſaw in him not only the brightneſs of genius, which is often powerful of itſelf without the aids of induſtry; but, if my friendſhip for him does not bias me, there likewiſe appeared in what he ſaid a great deal of judgment and underſtanding, ſuch as ſhewed both an acquaintance with the liberal arts and ſciences, and great diligence and application. And know, my Lords, that it is ſcarce poſſible for ſuch paſſions as Cœlius is charged with, and the ſtudies I ſpeak of, to be united in the ſame perſon. For it is impoſſible that a mind abandoned to lewdneſs, enſlaved by amours, by deſire, by paſſion, often embaraſſed by too great abundance, and ſometimes by want, can either exert that activity, or beſtow that intenſeneſs of thought that is neceſſary to perform what we do in eloquence, how little ſoever it may be. Can any other reaſon be aſſigned, do you imagine, why the number of thoſe, who apply to

quentiæ tanta voluptate dicendi, tanta laude, tanta gloria, tanto honore, tam ſint pauci, ſemperque fuerint, qui in hoc labore verſentur? Omittendæ ſunt omnes voluptates; relinquenda ſtudia delectationis; ludus, jocus, convivium, ſermo etiam pene omnium familiarium deſerendus; quæ res in hoc genere homines à labore, ſtudioque dicendi deterret; non quò aut ingenia deficiant, aut doctrina puerilis. An hic, ſi ſeſe iſti vitæ dediſſet, conſularem hominem admodum adoleſcens in judicium vocaviſſet? hic, ſi laborem fugeret, ſi obſtrictus voluptatibus teneretur, in hac acie quotidiè verſaretur? appeteret inimicitias? in judicium vocaret? ſubiret periculum capitis? ipſo inſpectante populo Romano, tot menſes aut de ſalute, aut de gloria dimicaret?

XX. Nihil igitur illa vicinitas redolet? nihil hominum fama? nihil Baiæ denique ipſæ loquuntur? illæ vero non loquuntur ſolum, verum etiam perſonant, huc unius mulieris libidinem eſſe prolapſam, ut ea non modo ſolitudinem, ac tenebras, atque hæc flagitiorum integumenta non quærat, ſed in turpiſſimis rebus frequentiſſima celebritate & clariſſima luce lætetur. Verum ſi quis eſt, (33.) qui etiam meretriciis amoribus interdictum juventuti putet, eſt ille quidem valde ſeverus; negare non poſſum; ſed abhorret non modo ab hujus ſeculi licentia, verum etiam à majorum conſuetudine, atque conceſſis; quando enim hoc non factum eſt? quando reprehenſum? quando non permiſſum? quando denique fuit, ut, quod licet, non liceret? Hic ego jam rem definiam: mulierem nullam nominabo; tantum in medium relinquam. Si quæ non nupta mulier domum ſuam patefecerit omnium cupiditati, palamque ſeſe in meretricia vita collocarit, virorum alieniſſimorum conviviis uti inſtituerit: ſi hoc in urbe, ſi in hortis, ſi in Baiarum illa celebritate faciet: ſi denique ita ſeſe geret, non inceſſu ſolum, ſed ornatu atque comitatu; non flagrantia oculorum, non libertate ſermonis, ſed etiam complexu, oſculatione, aquis, navigatione, conviviis, ut non ſolum meretrix, ſed etiam procax videatur: cum hac ſi quis adoleſcens forte fuerit, utrum hic tibi, L. Herenni, adulter, an amator; expugnare pudicitiam,

NOTES.

(33.) *Qui etiam meretriciis amoribus interdictum juventuti putet.*] This paſſage is often quoted by the libertine with abundance of triumph and ſatisfaction, as giving a kind of ſanction to his debaucheries. But there is no great reaſon for triumph: Cicero the orator, and Cicero the philoſopher, ſpeak often very different language; and whenever this is the caſe, ſurely the ſentiments of the latter are to be preferred to thoſe of the former. He is here pleading the cauſe of Cælius, whom he knew to be a libertine, and a great part of what he advances muſt be looked upon as mere declamation, ſo that no great ſtreſs is to be laid upon it: in his *Offices*, and his other philoſophical writings, he talks in a very different ſtrain, as all know who have read them with any degree of attention. The debauchee therefore, if he would have Cicero for his advocate, muſt take

this ſtudy, is at preſent, and always has been, ſo ſmall, though its rewards, its pleaſures, its glory, its honour is ſo very great? All pleaſures muſt be relinquiſhed; delightful purſuits thrown up; diverſions, mirth, banqueting, nay almoſt the converſation of our intimate friends muſt be renounced: This is what diſcourages men from the laborious ſtudy of eloquence, and not the want of genius or education. If Cœlius had followed ſuch a courſe of life, would he have impeached a perſon of conſular dignity, when ſo very young? If he were averſe to labour, if he were held faſt in the chains of pleaſure, would he appear every day on this field of battle? Would he be fond of enmity? Would he arraign any perſon? Would he expoſe his life to danger? Would he contend for ſo many months, before the whole people of Rome, either for glory or preſervation?

SECT. XX. But does the neighbourhood of Clodia ſend forth no odours? Is the public voice ſilent? Do not the waters of Baiæ ſpeak? They not only ſpeak, but they bawl out, that the lewdneſs of one woman is ſuch, that ſhe does not only not look for ſolitude, and darkneſs, and the like covers for crimes, but takes pleaſure in practiſing the moſt infamous debaucheries before crowds, and in the face of day. But if any perſon thinks that free intercourſe even with proſtitutes is to be denied to youth, ſuch a one is ſevere indeed: I cannot contradict him; this however, I muſt ſay, that he differs not only from the freedom of the preſent age, but likewiſe from what our forefathers practiſed and allowed. For was there ever a time when it was not done? When it was condemned? When it was not tolerated? In a word, was there ever a time in which a thing allowable was not allowed? I will here propoſe a queſtion; I ſhall name no lady, but leave every one to judge for himſelf: If an unmarried woman ſhould throw her houſe open to the luſts of all, profeſs herſelf openly to be a proſtitute, go frequently to entertainments with mere ſtrangers; if ſhe ſhould do this in the city, in her gardens, and at the Baiæ, a place of ſuch reſort; in a word, if ſhe ſhould ſhew herſelf, not only by her gait, but by her dreſs and train, not by the ſparkling of her eyes and her indecent converſation, but likewiſe by her kiſſes, by her embraces, by her behaviour at the baths, in pleaſure-boats, and at entertainments, to be not only a proſtitute, but an impudent one; if a young gentleman ſhould happen to be ſeen with ſuch a lady, whether, Herennius, would you look upon him as an adulterer, or a gallant; as

NOTES.

take Cicero for his guide, muſt renounce the pernicious path of vice and folly, exchange the gratifications of a brute for the pleaſures of a man; in a word, he muſt make virtue his choice, and then happineſs will certainly be his portion.

citiam, an explere libidinem voluiſſe videatur? (34.) Obliviſcor jam injurias, Clodia: depono memoriam doloris mei: quæ abs te crudeliter in meos, me abſente, facta ſunt, negligo; ne ſint hæc in te dicta quæ dixi; ſed ex te ipſa requiro; quoniam & crimen accuſatores abs te, & teſtem ejus criminis te ipſam dicunt ſe habere; ſi qua mulier ſit hujuſmodi, qualem ego paulo ante deſcripſi, tui diſſimilis, vita inſtitutoque meretricio, cum hac aliquid adoleſcentem hominem habuiſſe rationis, num tibi perturpe, aut perflagitioſum eſſe videatur? Ea ſi tu non es, ſicut ego malo, quid eſt quod objiciant Cœlio? ſin eam te volunt eſſe, quid eſt, cur nos crimen hoc, ſi tu contemnis, pertimeſcamus? Quare, nobis da viam rationemque defenſionis; nam ut pudor tuus defendet, nihil à M. Cœlio petulantius eſſe factum; aut impudentia & huic, & cæteris magnam ad ſe defendendum facultatem dabit.

XXI. Sed quoniam emerſiſſe jam è vadis, & ſcopulos prætervecta videtur oratio mea, perfacilis mihi reliquus curſus oſtenditur. Duo ſunt enim crimina una in muliere ſummorum facinorum: auri, quod ſumptum à Clodia dicitur: & veneni, quod ejuſdem Clodiæ necandæ cauſa paraſſe Cœlium criminantur. Aurum ſumpſit, ut dicitis, quod L. Lucceii ſervis daret, per quos Alexandrinus Dio, qui tum apud Lucceium habitabat, necaretur. Magnum crimen vel in legatis inſidiandis, vel in ſervis ad hoſpitem domi necandum ſolicitandis: plenum ſceleris conſilium, plenum audaciæ. Quo quidem in crimine primum illud requiram, dixerit-ne Clodiæ, quam ad rem aurum tum ſumeret, an non dixerit? ſi non dixit, cur dedit? ſi dixit, eodem ſe conſcientiæ ſcelere devinxit. Tu ne aurum ex armario tuo promere auſa es? tu-ne (35.) Venerem illam tuam ſpoliatricem ſpoliare ornamentis? cæterum cum ſcires, quantum ad facinus aurum hoc quæreretur, ad necem ſcilicet legati, ad L. Lucceii, ſanctiſſimi hominis atque integerrimi, labem ſceleris ſempiterni; huic facinori tanto tua mens liberalis conſcia, tua domus popularis miniſtra, tua denique hoſpitalis illa Venus adjutrix eſſe non debuit. Vidit hoc Balbus: [facinoris tantum] celatam eſſe Clodiam dixit, atque ita Cœlium ad illam attuliſſe, ſe ad ornatum ludorum aurum quærere. Si tam familiaris erat Clodiæ, quàm tu eſſe vis, cum de libidine ejus tam multa dicis; dixit profecto, quo vellet aurum: ſi tam familiaris non erat, non dedit. Ita, ſi verum tibi Cœlius dixit,

NOTES.

(34.) *Obliviſcor jam injurias Clodia.*] Cicero here refers to the injurious treatment he met with from the Clodian family, when he went into baniſhment; for an account of which ſee his oration *for his own houſe.*

(35.) *Venerem illam tuam ſpoliatricem.*] It appears from ſeveral paſſages of the ancients, that it was uſual for proſtitutes to have a ſtatue of Venus in their cloſets, which they generally adorned with jewels: accordingly Clodia is ſaid to have had a very fine one of gold.

one who wanted to attack chaſtity, or only to gratify his paſſion? I now forget my wrongs, Clodia; I lay aſide the remembrance of what I ſuffered; I paſs over your cruelty to my family in my abſence. Let not what I have ſaid be applied to you. But as the proſecutors give out, that you furniſhed them with this accuſation, and that your evidence is to prove the fact, I aſk yourſelf, whether, if there is ſuch a woman as I have juſt now deſcribed, of a character indeed very unlike yours, but who is a profeſt proſtitute, you would look upon it to be a very ſhameful or a very criminal thing for a young gentleman to have any intercourſe with her? If you are not the woman, as I hope you are not, what is it they can object to Cœlius? But if you are, why ſhould we be afraid of an accuſation which you deſpiſe? Furniſh us then with the means of making our defence; for either your chaſtity will prove that Cœlius has done nothing infamous, or your impudence will plead ſtrongly in his favour, and in that of others.

SECT. XXI. But as I ſeem now to have got clear of the ſhallows and rocks that ſtood in my way, an eaſy courſe preſents itſelf for the reſt of my cauſe. Cœlius is charged with two enormous crimes againſt the ſame lady; with having borrowed gold of Clodia, and with having prepared poiſon to kill her. The money he borrowed, according to you, to be given to the ſlaves of L. Lucceius, by whom he was to murder Dio the Alexandrian, who lived at that time with Lucceius. A weighty charge this, either to lay ſnares for embaſſadors, or to ſolicit ſlaves to aſſaſſinate their maſter's gueſt: A deſign fraught with guilt, fraught with audaciouſneſs. But here I will aſk in the firſt place whether Cœlius told Clodia for what purpoſe he borrowed the money at that time, or whether he did not? If he did not tell her, why did ſhe give it him? If he did, ſhe was equally guilty. Did you dare to take gold out of your cabinet? To ſtrip that plundering Venus of yours of her ornaments? Beſides, when you knew for what horrid purpoſes this money was borrowed; namely, to aſſaſſinate an embaſſador, to fix an eternal blot on the character of L. Lucceius, a man of the greateſt worth and integrity; your generous heart ought never to have been privy, your popular roof ſubſervient, nor that hoſpitable Venus of yours acceſſary to ſo enormous a crime. Balbus was ſenſible of this; accordingly he ſays, that Clodia knew nothing of the matter, and that Cœlius told her he aſked the money to defray the expences of his public ſports. If he was ſo very intimate with Clodia, as you would have us believe, when you inlarge ſo much upon his debauchery, he certainly told her what he intended to do with the gold; if he was not ſo intimate, then ſhe did not give it him. If Cœlius then, O abandoned woman! told you the truth, you was conſcious

xit, ô immoderata mulier, ſciens tu aurum ad facinus dediſti: ſi non eſt auſus dicere, non dediſti.

XXII. Quid ego nunc argumentis huic crimini, quæ ſunt innumerabilia, reſiſtam? poſſum dicere, mores M. Cœlii longiſſime à tanti ſceleris atrocitate eſſe disjunctos: minime eſſe credendum, homini tam ingenioſo tamque prudenti non veniſſe in mentem, rem tanti ſceleris ignotis alieniſque ſervis non eſſe credendam. Poſſum etiam illa, & cæterorum patronorum & mea conſuetudine, ab accuſatore perquirere, ubi ſit congreſſus cum ſervis Lucceii Cœlius: qui ei fuerit aditus; ſi per ſe, qua temeritate? ſi per alium, per quem? poſſum omnes latebras ſuſpicionum peragrare dicendo: non cauſa non locus, non facultas, non conſcius, non perficiendi, non occultandi maleficii ſpes, non ratio ulla, non veſtigium maximi facinoris reperietur. Sed hæc, quæ ſunt oratoris propria, quæ mihi non propter ingenium meum, ſed propter hanc exercitationem uſumque dicendi, fructum aliquem ferre potuiſſent, cum à me ipſo laborata proferri viderentur, brevitatis cauſa relinquo omnia. Habeo enim, Judices, quem vos ſocium veſtræ religionis juriſque jurandi facile eſſe patiemini, (36.) L. Lucceium, ſanctiſſimum hominem, & graviſſimum teſtem: qui tantum facinus in famam atque fortunas ſuas neque non audiſſet illatum à Cœlio, neque neglexiſſet, neque tuliſſet. An ille vir, illa humanitate præditus, illis ſtudiis, artibus atque doctrina, illius ipſius periculum, quem propter hæc ipſa ſtudia deligebat, negligere potuiſſet? & quod facinus in alienum hominem illatum ſevere acciperet, id omiſiſſet curare in hoſpite; quod, per ignotos actum cùm comperiſſet, doleret, id à ſuis tentatum negligeret? quod in agris, lociſ-ve publicis factum reprehenderet, id in urbe, ac ſuæ domi cœptum eſſe leviter ferret? quod in alicujus agreſtis periculo non prætermitteret, id homo eruditus in inſidiis doctiſſimi hominis diſſimulandum putaret? Sed cur diutius vos, Judices, teneo? ipſius jurati religionem, auctoritatemque percipite, atque omnia diligenter teſtimonii verba cognoſcite. (37.) Recita teſtimonium Lucceii. TESTIMONIUM LUCCEII. Quid exſpectatis amplius? an aliquam vocem putatis ipſam pro ſe cauſam & veritatem poſſe

NOTES.

(36.) *L. Lucceium ſanctiſſimum hominem.*] This Lucceius was a man of great learning and abilities; he wrote the hiſtory of the Italic and Marian civil wars, and undertook that of Cicero's conſulſhip; but whether he finiſhed it, or not, is uncertain. There is a celebrated letter of our orator to this Lucceius, which is often alledged as a proof of his exceſſive vanity and love of praiſe.

(37.) *Recita teſtimonium Lucceii.*] Lucceius was not preſent himſelf at this trial, but ſent his evidence, which was publicly read in court.

conſcious to the crime, and gave him money to perpetrate it; if he did not dare to tell you, then you did not give it.

SECT. XXII. Why now ſhould I refute this accuſation by arguments, which may be brought without number? I may ſay, that the manners of M. Cœlius are at the greateſt diſtance from ſo enormous a crime: It is not at all credible, that a man of ſuch prudence and penetration could ever have thought of entruſting an affair ſo highly criminal to ſtrange and unknown ſlaves. I may likewiſe, according to my own cuſtom, and that of other pleaders, aſk the accuſer, where Cœlius met with the ſlaves of Lucceius? How he had acceſs to them? If by himſelf, what raſhneſs! if by another, who was the man? I may enumerate every poſſible ground of ſuſpicion, and ſtill affirm that there is no foundation for this crime, that Cœlius could not be privy to it, could have no opportunity, no means, no hopes of accompliſhing, none of concealing it; in a word, that there is not any ſhadow of proof, any traces of ſuch atrocious guilt. But all theſe, which properly belong to an orator, as I might ſeem to have laboured them with great care, I paſs over for the ſake of brevity; though I might have rendered them ſerviceable to me, not through any ſuperiority of genius, but by my practice and experience in pleading. For I have, my Lords, the teſtimony of L. Lucceius, a man of the ſtricteſt honour, and of the greateſt authority, whoſe oath and integrity you will readily allow to be compared with your own; who muſt certainly have heard of ſuch an attack made by Cœlius upon his fame and fortune, and if he had, would neither have deſpiſed, nor put up with it. Would a man of ſuch politeneſs, of ſuch erudition, of ſuch knowledge, have neglected the danger of one, who was ſo dear to him on account of theſe very accompliſhments? And would he not have endeavoured to prevent ſuch villainy when deſigned againſt his gueſt, which he would have reſented ſo highly if deſigned againſt a ſtranger? Would he have ſlighted an action attempted by his own domeſtics, which would have grieved him if committed by thoſe he did not know? What he would have condemned, if done in the fields, or any public place, would he have been unconcerned at if attempted in the city, and in his own houſe? Would a man of learning connive at a plot againſt a man of the greateſt learning, when he would not ſlight the danger of the meaneſt peaſant? But why, my Lords, do I detain you any longer? Conſider the integrity and authority of this witneſs, on his oath, and weigh carefully every word of his evidence. Read the evidence of Lucceius. THE EVIDENCE OF LUCCEIUS.—What more do you expect? Do you imagine that this cauſe itſelf, and that truth can, open their mouths, and give evidence for themſelves? This is the defence of

poſſe mittere? hæc eſt innocentiæ defenſio, hæc ipſius cauſæ oratio, hæc una vox veritatis: in crimine ipſo nulla ſuſpicio eſt, & in re nihil eſt argumenti: in negotio, quod actum eſſe dicitur, nullum veſtigium ſermonis, loci, temporis: nemo teſtis, nemo conſcius nominatur, totum crimen profertur ex inimica, ex infami, ex crudeli, ex facinoroſa, ex libidinoſa domo: domus autem illa, quæ tentata ſcelere iſto nefario dicitur, plena eſt integritatis, officii, religionis: ex qua domo recitatur vobis jurejurando devincta auctoritas: ut res minime dubia, tamen in contentione ponatur, utrum temeraria, procax, irata mulier finxiſſe crimen, an gravis, ſapiens, moderatuſque vir religioſe teſtimonium dixiſſe videatur.

XXIII. Reliquum eſt igitur crimen de veneno: cujus ego neque principium invenire, neque evolvere exitum poſſum. Quæ fuit enim cauſa, quamobrem iſti mulieri venenum vellet dare Cœlius? ne aurum redderet? num petivit? ne crimen hæreret? num quis objecit? num quis denique feciſſet mentionem, ſi hic nemini nomen detuliſſet? Quin etiam Herennium dicere audiſtis, verbo ſe moleſtum non futurum fuiſſe Cœlio,, niſi iterum eadem de re ſuo familiari abſoluto nomen hic detuliſſet. Credibile eſt igitur, tantum facinus nullam ob cauſam eſſe commiſſum? & vos non videtis fingi ſceleris maximi crimen, ut alterius cauſa ſceleris ſuſcipiendi fuiſſe videatur? Cui denique commiſit? quo adjutore uſus eſt? quo ſocio? quo conſcio? cui tantum facinus, cui ſe, cui ſalutem ſuam credidit? ſervis-ne mulieris? ſic enim objectum eſt; & erat tam demens hic, cui vos ingenium certe tribuitis, etiamſi cætera inimicâ oratione detrahitis, ut omnes ſuas fortunas alienis ſervis committeret? at quibus ſervis? refert enim magnopere idipſum: his-ne, quos intelligebat con communi conditione ſervitutis uti, ſed licentius, liberius, familiarius cum domina vivere? quis enim hoc non videt, Judices, aut quis hoc ignorat, in ejuſmodi domo, in qua mater-familias meretricio more vivat: in qua nihil geratur, quod foras proferendum ſit: in qua luſtra, libidines, luxuries, omnia denique inaudita vitia atque flagitia verſentur; (38.) hic ſervos non eſſe ſervos, quibus omnia committantur, per quos gerantur, qui verſentur iiſdem in voluptatibus, quibus occulta credantur, ad quos aliquantum etiam ex quotidianis

NOTES.

(38.) *Hic ſervos non eſſe ſervos.*] Nothing can be more juſt and ſenſible than this reflection of Cicero, that in families where vice and debauchery prevails, ſervants become maſters. Being privy to whatever is tranſacted, their maſters are entirely in their power, they are afraid of puniſhing them when they do amiſs, and become the objects of their ridicule, of their contempt, and ſcorn.

innocence; this the language of the cauſe itſelf; this the native voice of truth. The charge has no preſumption, the crime no argument, to ſupport it: In the buſineſs which is ſaid to have been tranſacted, there is not the leaſt appearance of conſultation, of time, or of place; no witneſs, no accomplice is named: The whole accuſation proceeds from the infamous, the cruel, the wicked, the lewd houſe of an enemy: But the houſe, on which ſo foul an imputation is fixed, is full of honour, humanity, and truth: From this houſe evidence is given upon oath; ſo that the matter we are now debating admits of very little doubt, only whether it is more likely that a raſh, impudent, angry woman ſhould forge an accuſation, or that a grave, prudent, and worthy man ſhould have the ſtricteſt regard to truth in giving his evidence?

SECT. XXIII. All that remains therefore, is the charge of poiſoning, of which I can neither trace the beginning, nor diſcover the deſign. For what could prompt Cœlius to attempt poiſoning that lady? That he might not return the gold? Pray, did ſhe aſk it? That he might not be charged with it? Did any one charge him? Would any one even have made mention of it, if Cœlius had accuſed no perſon? Beſides, you heard Herennius ſay, that he ſhould never have ſpoke a word againſt Cœlius, if he had not a ſecond time accuſed his friend of the ſame crime, after being once acquitted. Is it credible then that ſo atrocious a crime was committed without any reaſon? And do not you ſee that one enormous piece of villainy is pretended to have been committed, that it may ſeem to have been done in order to commit another? Once more, whom did he employ to execute it? Whom did he make uſe of as his accomplice? Whom, as his companion? Whom, as his confident? Whom did he truſt with ſuch a crime, whom with himſelf, whom with his own ſafety? The ſlaves of this woman? For ſo it is alledged. And was this man, whom you allow to have capacity, though you deny him every thing elſe, guilty of ſuch madneſs as to truſt his all to ſtrange ſlaves? But to what kind of ſlaves? For this is a circumſtance of great importance: Was it to thoſe whom he knew not to be ſubject to the common lot of ſlavery, but who lived in a very free and familiar manner with their miſtreſs? For who does not ſee this, my Lords? Or, who is ignorant that in a houſe, where the miſtreſs of a family lives like a common proſtitute, in which nothing is tranſacted, that can be carried abroad, which is a ſcene of debauchery, luſt, luxury; in a word, every unheard-of ſcandalous exceſs; that in ſuch a houſe, I ſay, ſlaves are not ſlaves; ſince every thing is committed to them, every thing conducted by them, ſince they partake of the ſame pleaſures, are intruſted with ſecrets, and have even ſome ſhare of the daily ex-

quotidianis ſumptibus ac luxuria redundet? Id igitur Cœlius non videbat? ſi enim tam familiaris erat mulieris, quàm vos vultis; iſtos quoque ſervos familiares eſſe dominæ ſciebat; ſin ei tanta conſuetudo, quanta à vobis inducitur, non erat, quæ cum ſervis potuit familiaritas eſſe tanta?

XXIV. Ipſius autem veneni quæ ratio fingitur? ubi quæſitum eſt? quemadmodum paratum? quo pacto? cui, quo in loco traditum? Habuiſſe aiunt domi, vimque ejus eſſe expertum in ſervo quodam ad rem ipſam parato, cujus perceleri interitu eſſe ab hoc comprobatum venenum. (39.) Prô dii immortales! cur interdum in hominum ſceleribus maximis, aut connivetis, aut præſentis fraudis pœnas in diem reſervatis? Vidi enim, vidi, & illum hauſi dolorem vel acerbiſſimum in vita, cum Q. Metellus abſtraheretur è ſinu gremioque patriæ: cumque ille vir, qui ſe natum huic imperio putavit, tertio die poſt, quam in curia, in roſtris, in repub. floruiſſet, integerrima ætate, optimo habitu, maximis viribus, eriperetur indigniſſime bonis omnibus atque univerſæ civitati; quo quidem tempore ille moriens, cum jam cæteris ex partibus oppreſſa mens eſſet, extremum ſenſum ad memoriam reip. reſervabat: cum me intuens flentem ſignificabat, interruptis atque morientibus vocibus, quanta impenderet procella urbi, quanta tempeſtas civitati: & cum parietem ſæpe feriens eum, qui cum Q. Catulo fuerat ei communis, crebro Catulum, ſæpe me, ſæpiſſime rempublicam nominabat; ut non tam ſe emori, quam ſpoliari ſuo præſidio cum patriam, tum etiam me doleret. Quem quidem virum ſi nulla vis repentini ſceleris ſuſtuliſſet; quonam modo ille furenti fratri ſuo patrueli conſularis reſtitiſſet, (40.) qui conſul incipientem furere atque conantem, ſua ſe manu interfecturum, audiente Senatu, dixerit? Ex hac igitur domo progreſſa iſta mulier de veneni celeritate dicere audebit? nonne ipſam domum metuet, ne quam vocem eliciat? non parietes conſcios, non noctem illam funeſtam ac luctuoſam perhorreſcet? Sed revertar ad

NOTES.

(39.) *Pro dii immortales!*] Clodia was commonly thought to have poiſoned her huſband Q. Metellus, who was an excellent magiſtrate, and a firm patriot, as well to revenge his oppoſition to the attempts of her brother, as to gain the greater liberty of purſuing her own amours. Accordingly Cicero, interrupting the thread of his argument, in a manner extremely well adapted to move his hearers, inveighs againſt her aſtoniſhing impudence in daring to accuſe Cælius of a deſign to poiſon her, when ſhe herſelf lay under the ſuſpicion of having poiſoned her own huſband, on whom, to render her character, if poſſible, ſtill more odious, the orator beſtows very high and indeed very juſt commendations.

(40.) *Qui conſul incipientem furere, atque conantem, ſua ſe manu interfecturum, audiente ſenatu dixerit.*] The attempt made by Clodius, in the conſulſhip of Metellus, to obtain the tribunate, that he might be enabled to revenge himſelf upon Cicero, is here referred to. Clodius was a patrician, and,

pences and luxury? Did not Cœlius then perceive this? For if he was ſo familiar with the lady as you give out, he could not but know that theſe ſlaves were familiar with their miſtreſs. But if there was no ſuch intimacy as you charge him with, how could he be ſo very intimate with her ſlaves?

SECT. XXIV. But how is this charge in regard to the poiſon rendered probable? Where was it got? How was it prepared? By what means? To whom, and where was it delivered? They ſay he had it at home, and tried its force on a ſlave whom he got on purpoſe, and whoſe ſudden death convinced him of its efficacy. Immortal gods! why do you ſometimes either wink at the moſt enormous crimes of mankind, or defer the puniſhment of preſent wickedneſs? For I myſelf ſaw, and nothing in my whole life ever affected me with deeper ſorrow, I ſaw Q. Metellus torn from the arms and boſom of his country; ſaw that man, who thought himſelf born for this empire, cut off, in the baſeſt manner, from all the virtuous, and from the whole ſtate, in the prime of his days, in perfect health and full vigour, on the third day after he had diſtinguiſhed himſelf in the ſenate, in the roſtrum, and in the government. At the time of his death, when every other feeling was extinguiſhed, he reſerved his laſt for his country, and caſting his eyes upon me who was diſſolved in tears, intimated with faultering and dying accents, how great a ſtorm hung over this city, how great a tempeſt over the ſtate; and frequently ſtriking the wall, which was common to Catulus and him, often named Catulus, often me, and very often the republic; ſo that death did not give him ſo much concern as the thoughts that his country, and that I, was deprived of his aſſiſtance. If no ſudden violence had cut off this man, in what manner would he, when arrived at conſular dignity, have oppoſed the fury of his couſin, when he declared, during his conſulſhip, in the hearing of the ſenate, that he would kill him with his own hand, though only beginning and attempting his furious meaſures? Shall a woman then from that very houſe dare to mention the quick efficacy of poiſon? Shall ſhe not be afraid leſt the houſe itſelf ſhould open its mouth againſt her? Shall ſhe not tremble at the ſight of the conſcious walls, not dread the remembrance of that fatal, that mournful night? But I return to the accuſation; for the

NOTES.

and, as ſuch, incapable of the tribunate: accordingly his firſt ſtep was to make himſelf a plebeian, by the pretence of an adoption into a plebeian houſe. When this affair was firſt moved to the ſenate by Herennius, an obſcure, hardy tribune, the caſe being wholly new, and contrary to all the forms, it met with no encouragement. The conſul Metellus, though brother-in-law to Clodius, warmly oppoſed it, and declared, *That he would ſtrangle Clodius ſooner with his own hands, than ſuffer him to bring ſuch a diſgrace upon his family.*

ad crimen; etenim hæc facta illius clariſſimi ac fortiſſimi viri mentio & vocem meam fletu debilitavit, & mentem dolore impedivit.

XXV. Sed tamen venenum unde fuerit, quemadmodum paratum ſit, non dicitur. Datum eſſe hoc aiunt P. Licinio, pudenti adoleſcenti, & bono, Cœlii familiari: conſtitutum factum eſſe cum ſervis, ut venirent ad balneas Xenias: eodem Licinium eſſe venturum, atque iis veneni pyxidem traditurum. Hîc primum illud requiro, quid attinuerit illud ferri in eum locum conſtitutum? cur illi ſervi non ad Cœlium domum venerint? ſi manebat tanta illa conſuetudo Cœlii cum Clodia, tantaque familiaritas, quid ſuſpicionis eſſet, ſi apud Cœlium mulieris ſervus viſus eſſet? ſin autem jam ſuberat ſimultas, exſtincta erat conſuetudo, diſcidium exſtiterat: hinc illæ lacrymæ nimirum, & hæc cauſa eſt horum omnium ſcelerum, atque criminum. Immo, inquit, cum ſervi ad dominam rem iſtam, & maleficium Cœlii detuliſſent, mulier ingenioſa præcepit ſuis, ut omnia Cœlio pollicerentur: ſed, ut venenum, cum à Licinio traderetur manifeſto comprehendi poſſet, conſtitui locum juſſit balneas Xenias, ut eo mitteret amicos, qui deliteſcerent: deinde repentè, cum veniſſet Licinius, ut venenum traderet, proſilirent, hominemque comprehenderent.

XXVI. Quæ quidem omnia, Judices, perfacilem rationem habent reprehendendi; cûr enim balneas publicas potiſſimum conſtituerat? in quibus non inveuio quæ latebra togatis hominibus eſſe poſſit; nam ſi eſſent in veſtibulo balnearum, non laterent: ſin ſe in intimum conjicere vellent, nec ſatis commode calceati & veſtiti id facere poſſent, & fortaſſe non reciperentur: niſi forte mulier potens, (41.) quadrantaria illâ permutatione, familiaris facta erat balneatori. Atque equidem vehementer exſpectabam, quinam iſti viri boni, teſtes hujus manifeſto deprehenſi veneni dicerentur; nulli enim ſunt adhuc nominati; ſed non dubito quin ſint pergraves, qui primum ſint talis fœminæ familiares; deinde eam provinciam ſuſceperint, ut in balneas contruderentur: quod illa niſi à viris honeſtiſſimis, ac pleniſſimis dignitatis, quàm velit, ſi potens, nunquam impetraviſſet. Sed quid ego de dignitate iſtorum teſtium loquor? virtutem eorum diligentiamque cognoſcite; in balneis delituerunt; teſtes egregios! deinde temere proſiluerunt; homines gravitati deditos! ſic enim fingunt, cum Licinius veniſſet, pyxidem teneret in manu,

NOTES.

(41.) *Quadrantaria illa permutatione.*] Plutarch informs us that Clodia was called *Quadrantaria*, from her having been bilked by one of her young gallants, who gave her a *quadrans*, or fourth part of an *as*, inſtead of a piece of gold. Cicero, by his uſing the word *illa*, probably refers to this, as being a well-known ſtory; but he, no doubt, means to inſinuate farther that ſhe was familiar with the *bagnio-keeper*, and beſtowed her favours upon him, inſtead of the *quadrans* which he received from every one who uſed his bath.

tears I have ſhed at the mention of that brave and illuſtrious man have weakned my voice, and my grief has diſcompoſed my mind.

SECT. XXV. It is not ſaid however, whence this poiſon came, nor how it was prepared. They alledge it was given to P. Licinius, a young man of virtue and modeſty, and the friend of Cœlius; that an appointment was made with the ſlaves to come to the Senian bath, whither Licinius was likewiſe to come, and to deliver them a box of poiſon. Now here I would firſt aſk, what end could be anſwered by carrying it to the appointed place? Why did not theſe ſlaves come to the houſe of Cœlius? If there was ſtill ſo cloſe a connexion, and ſo great an intimacy betwixt Cœlius and Clodia, what ſuſpicion would one of her ſlaves being ſeen at his houſe have occaſioned? But if there already ſubſiſted a ſecret averſion, if the intimacy was diſſolved, and a quarrel ariſen, this was the ground of all the concern, this the ſource from whence all this guilt, and all theſe accuſations are derived. Nay, but 'tis ſaid, that when the ſlaves of Clodia informed her of the matter, and of the wicked deſigns of Cœlius, this ſhrewd woman ordered them to promiſe him every thing; and, in order to have clear evidence of the poiſon when delivered by Licinius, deſired the Senian bath to be the place appointed, that ſhe might ſend ſome of her friends thither to lie in ambuſh, and when Licinius ſhould come and deliver the poiſon, to ruſh out ſuddenly and ſeize him.

SECT. XXVI. But all this, my Lords, may very eaſily be refuted. For why ſhould ſhe particularly make choice of the public baths, in which I don't ſee how gentlemen in full dreſs can poſſibly be concealed? For at the entrance of the bath, they muſt be ſeen; were they to thruſt themſelves into the inner part, their ſhoes and cloaths muſt incommode them; admittance too might have been denied them, unleſs perhaps that powerful lady procured it by beſtowing her favours on the bagnio-keeper, inſtead of the price of bathing. And indeed I was very impatient, to hear the names of theſe worthy men, who are ſaid to be witneſſes of the ſeizing of this poiſon; for as yet none of them have been named. I do not queſtion however, but they are very conſiderable perſons; in the firſt place, as they are intimate with ſuch a lady, and in the next, as they undertook to conceal themſelves in a bath; a favour, which no degree of power whatever could have procured her, but from men of the greateſt honour and dignity. But why do I mention the dignity of theſe witneſſes? Obſerve their bravery and addreſs. They concealed themſelves in a bagnio. Excellent witneſſes! Then they ruſhed out of a ſudden. Grave gentlemen truly! The ſtory is thus told; when Licinius came with the box in his hand,

and

manu, conaretur tradere, nondum tradidiſſet, tum repente evolaſſe iſtos præclaros teſtes ſine nomine: Licinium autem, cum jam manum ad tradendam pyxidem porrexiſſet, retraxiſſe, atque illo repentino hominum impetu ſe in fugam conjeciſſe. O magna vis veritatis, quæ contra hominum ingenia, calliditatem, ſolertiam, contraque fictas omnium inſidias facile ſe per ſe ipſam defendat!

XXVII. Verum hæc tota fabella veteris & plurimarum fabularum poetriæ, quàm eſt ſine argumento? quam nullum invenire exitum poteſt? Quid enim iſti tot viri (nam neceſſe eſt fuiſſe non paucos, ut & comprehendi Licinius facile poſſet, & res multorum oculis eſſet teſtatior) cur Licinium de manibus amiſerunt? qui minus enim Licinius comprehendi potuit, cum ſe retraxit, ne pyxidem traderet, quam ſi non retraxiſſet? erant enim illi poſiti, ut comprehenderent Licinium; ut manifeſto Licinius teneretur, aut cum retineret venenum aut cum tradidiſſet; hoc fuit totum conſilium mulieris, hæc iſtorum provincia, qui rogati ſunt: quos quidem tu quamobrem temere proſiluiſſe dicas, atque ante tempus, non reperio; fuerant hoc rogati: fuerant ad hanc rem collocati ut venenum, ut inſidiæ, facinus denique ipſum ut manifeſto comprehenderetur; potuerunt-ne meliori tempore proſilire, quam cum Licinius veniſſet? cum in manu teneret veneni pyxidem? quæ ſi cum jam erat tradita ſervis, evaſiſſent ſubito ex balneis mulieris amici, Liciniumque comprehendiſſent: imploraret hominum fidem, atque à ſe illam pyxidem traditam pernegaret: quem quomodo illi reprehenderent? vidiſſe ſe dicerent? primum ad ſe revocarent maximi facinoris crimen: deinde id ſe vidiſſe dicerent, quod, quo loco collocati fuiſſent, non potuiſſent videre. Tempore igitur ipſo ſe oſtenderunt cum Licinius veniſſet, pyxidem expediret, manum porrigeret, venenum traderet. (42.) Mimi ergo eſt jam exitus, non fabulæ: in quo cùm clauſula non invenitur, fugit aliquis è manibus, deinde ſcabella concrepant, aulæum tollitur.

XXVIII. Quæro enim, cur Licinium titubantem, hæſitantem, cedentem, fugere conantem, mulieraria manus iſta de manibus emiſerit: cur non comprehenderint? cur non ipſius confeſſione, multorum oculis, facinoris denique voce, tanti ſceleris crimen expreſſerint? an timebant, ne tot unum, valentes imbecillum, alacres perterritum

NOTES.

(42.) *Mimi ergo eſt jam exitus, non fabulæ.*] Diomedes defines the *Mimus* to be *an irreverent and laſcivious imitation of obſcene acts.* It ſeems to have been a confuſed medley of comic drollery on a variety of ſubjects, without any conſiſtent order or deſign; delivered by one actor, and heightened with all the licence of obſcene geſticulation. Its beſt character, as practiſed by its greateſt maſter, Laberius, was that of being witty in a very bad way, and its ſole end and boaſt, *riſu diducere rectum.* 'Tis with great propriety therefore, that Cicero compares this incoherent ſtory of the *poiſon*, to the *Mimus*, wherein there was no connection or regular deſign.

and endeavoured to give it away, but had not as yet done it, these noble witnesses without name, rushed out of a sudden; upon this Licinius, who had already stretched out his hand to deliver the box, drew it back, and, being frightened at the sudden attack of these gentlemen, betook himself to flight. O the mighty power of truth, which easily defends herself against the contrivances, subtlety, and artifice of mankind, and against all the secret arts of fiction!

SECT. XXVII. But all this fable which is invented by a lady that has long dealt in fictions, how void of probability is it? How unconnected and intricate? Why did so many men suffer Licinius to escape? For their number could not be small, both that it might be the easier to seize Licinius, and that the matter might be the better attested. Was it more difficult to seize him, when he drew back that he might not deliver the box, than if he had not drawn back? For they were placed there on purpose to seize Licinius, to catch him in the fact, either with the poison about him, or after he had delivered it. This was all the lady proposed; this was the business of those who were employed by her; and why you should say that they rushed out rashly, and too soon, I cannot conceive. This was what they were employed for; with this view they were placed there, that the poison, the plot, in a word the whole villainy might be clearly discovered. Could they have rushed out more opportunely than when Licinius came in? When he held the box of poison in his hand? For if the lady's friends had sallied forth and seized Licinius, after it was delivered to the slaves, he would have called out for assistance, and denied that the box was delivered by him; and in this case, how could they have convicted him? Would they have said they saw him? Why this, in the first place, must have brought upon themselves an accusation for a very heinous crime; and in the next, they must have affirmed that they saw what they could not possibly have seen from the place where they were concealed. They shewed themselves therefore the very moment that Licinius came, when he was going to give the box, when he was stretching forth his hand, when he was delivering the poison. This then is the end of a farce, not of a comedy, in which when there is no conclusion, some person makes his escape, the benches creak, and the curtain is drawn.

SECT. XXVIII. For I ask, why the lady's troop suffered Licinius, while he was in suspence, hesitating, retreating, and endeavouring to make his escape, to slip out of their hands; why they did not seize him; why, by his own confession, by the eyes of so many witnesses; in a word, by the voice of the thing itself, they did not prove so enormous a crime in the clearest manner? Were

territum ſuperare non poſſent? Nullum argumentum in re, nulla ſuſpicio in cauſa, nullius exitus criminis reperietur. Itaque hæc cauſa ab argumentis, à conjectura, ab iis ſignis, quibus veritas illuſtrari ſolet, ad teſtes tota traducta eſt. Quos quidem ego teſtes, Judices, non modo ſine ullo timore, ſed etiam cum aliqua ſpe delectationis expecto; prægeſtit animus jam videre, primum lautos juvenes, mulieris beatæ ac nobilis familiares: deinde fortes viros, ab imperatrice in inſidiis, atque in præſidio balnearum locatos: ex quibus requiram, quonam modo latuerint, aut ubi: alveus-ne ille, an equus Trojanus fuerit, qui tot invictos viros, muliebre bellum gerentes, tulerit & texerit? Illud verò reſpondere cogam, cur tot viri ac tales hunc & unum, & tam imbecillum, quàm videtis, non aut ſtantem comprehenderint, aut fugientem conſecuti ſint; qui ſe nunquam profecto, ſi iſtum in locum proceſſerint, explicabunt: (43.) quàm volent in conviviis faceti, dicaces, nonnunquam etiam ad vinum diſerti ſint; alia fori vis eſt, alia triclinii: alia ſubſelliorum ratio, alia lectorum: non idem judicum, comiſſatorumque conſpectus: lux denique longe alia eſt ſolis, & lychnorum. Quamobrem excutiemus omnes iſtorum delicias, omnes ineptias, ſi prodierint; ſed, ſi me audiant, navent aliam operam, aliam ineant gratiam, in aliis ſe rebus oſtentent: vigeant apud iſtam mulierem venuſtate; dominentur ſumptibus; hæreant, jaceant, deſerviant: capiti verò innocentis, & fortunis parcant.

XXIX. An ſunt ſervi illi de cognatorum ſententia, nobiliſſimorum & clariſſimorum hominum, manumiſſi. Tandem aliquid invenimus, quod iſta mulier de ſuorum propinquorum, fortiſſimorum virorum, ſententia atque auctoritate feciſſe videatur. Sed ſcire cupio, quid habeat argumenti iſta manumiſſio: in qua aut crimen eſt Cœlio quæſitum, aut quæſtio ſublevata, aut multarum rerum conſciis ſervis cum cauſa præmium perſolutum. At propinquis placuit; cur non placeret, cum rem tu te ad eos non ab aliis tibi allatum, ſed á te ipſa compertam deferre diceres? Hic etiam miramur, (44.) ſi illam

NOTES.

(43.) *Quàm volent in conviviis faceti, dicaces, nonnunquam etiam ad vinum diſerti ſint.*] Cicero here repreſents, in a very beautiful manner, the inſignificance of that giddy tribe, who ſpend their time in perpetual diſſipation, in noiſy mirth, and inſipid gaiety, when they happen to be engaged in matters of importance.

(44.) *Si illam commentitiam pyxidem obſcœniſſima ſit fabula conſecuta.*] Our orator here alludes to ſome infamous and notorious ſtory, which took its riſe from this box; but what it was we are no where told.

they afraid leſt they ſhould not be able to get the better of him? What, ſo many againſt one, the ſtrong againſt the weak, the bold againſt the fearful! The whole matter is without proof, the allegations have no preſumptions to ſupport them, the charge has no manner of connexion. This cauſe therefore, being deſtitute of proofs, preſumptions, or any of thoſe circumſtances, by which the truth is uſually cleared up, depends ſolely upon witneſſes; witneſſes, my Lords, whom I wait for not only without the leaſt apprehenſion, but even with ſome hopes of being pleaſed. I long much to ſee, firſt the elegant young gentlemen, the friends of a rich and noble lady, and then thoſe brave men poſted by their commandreſs in ambuſh, and guarding a bagnio. I will aſk them, in what manner they were concealed, or where; whether it was a large bathing-tub or a Trojan horſe, that contained and concealed ſo many invincible men, fighting in the ſervice of a lady? I will oblige them to declare, why ſo many and ſuch brave men, having only one perſon before them, and, as you ſee, ſo very unable to reſiſt, did not either ſeize him as he was ſtanding, or purſue him when he fled. If they ſhould appear here, I am confident, this is what they will never be able to account for, how facetious and talkative ſoever they may be at entertainments, nay and eloquent too ſometimes over their bottle. The eloquence of the bar and of the dining-room is very different; the manner of the bench differs widely from that of the couch; the ſight of a judge and that of a reveller is far from being the ſame; in a word, the light of the ſun and that of a lamp have very little reſemblance. If they appear, therefore, we ſhall examine all their jokes, all their pleaſantry. But if they follow my advice, they will employ themſelves differently, make their court in another manner, and diſplay talents of a different kind. Let them ingratiate themſelves with that lady by their politeneſs, let them outſhine all others in expence, let them accompany her every where, be always near her, and ever ready to obey her orders; but let them be tender of the life and fortune of an innocent man.

SECT. XXIX. But we are told that theſe ſlaves are made free by the advice of relations, men of the higheſt quality and renown. At laſt we have found ſomething, which this lady may ſeem to have done by the advice and approbation of her relations, who are undoubtedly men of great ſpirit. But I ſhould be glad to know what is proved by this manumiſſion; by which an accuſation is either feigned againſt Cœlius, or an examination by torture prevented, or a juſt reward beſtowed upon ſlaves, who are acquainted with many ſecrets. The manumiſſion, it is ſaid, pleaſed the relations: how ſhould it do otherwiſe, when you yourſelf acknowledge that you communicated the matter to them, not as what others

illam commentitiam pyxidem obſcœniſſima ſit fabula conſecuta? Nihil eſt quod in ejuſmodi mulierem non cadere videatur; audita [& pervulgata] percelebrata ſermonibus res eſt. Percipitis animis, Judices, jamdudum quid velim, vel potius, quid nolim dicere. Quod etiam ſi eſt factum, certè à Cœlio non eſt factum; quid enim attinebat? eſt enim ab aliquo fortaſſe adoleſcente non tam inſulſo, quam non verecundo. Sin autem eſt fictum: non illud quidem modeſtum, ſed tamen non eſt infacetum mendacium; quod profecto nunquam hominum ſermo, atque opinio comprobaſſet, niſi omnia, quæ cum turpitudine aliqua dicerentur, in iſtam quadrare apte viderentur. Dicta eſt à me cauſa, Judices, & perorata; jam intelligitis, quantum judicium ſuſtineatis, quanta res ſit commiſſa vobis. De vi quæritis: quæ lex ad imperium, ad majeſtatem, ad ſtatum patriæ, ad ſalutem omnium pertinet: quam legem Q. Catulus armata diſſenſione civium, reipublicæ pene extremis temporibus tulit: quæque lex, ſedata illa flamma conſulatûs mei, fumantis reliquias conjurationis exſtinxit. Hac enim lege Cœlii adoleſcentia non ad reipublicæ pœnas, ſed ad mulieris libidines & delicias depoſcitur.

XXX. Atque hoc etiam loco (45.) M. Camurti, & C. Eſerni damnatio prædicatur. O ſtultitiam! ſtultitiam-ne dicam, an impudentiam ſingularem? audetis-ne cum ab ea muliere veniatis, facere iſtorum hominum mentionem? audetis-ne excitare tanti flagitii memoriam, non exſtinctam illam quidem, ſed repreſſam vetuſtate? Quo enim illi crimine, peccatoque perierunt? nempe, quod ejuſdem mulieris dolorem & injuriam Vettiano nefario ſunt ſtupro perſecuti. Ergo ut audiretur Vettii nomen in cauſa, (46.) ut illa vetus Afrania fabula refricaretur, idcirco Camurti & Eſerni cauſa eſt renovata? qui quanquam lege de vi certe non tenebantur, eo maleficio tamen erant implicati, ut ex nullius legis laqueis emittendi viderentur. M. verò Cœlius cur in hoc judicium vocatur? cui neque proprium quæſtionis crimen objicitur, nec verò aliquid ejuſmodi, quod ſit à lege ſejunctum, & cum veſtra ſeveritate conjunctum; cujus prima ætas dedita diſciplinis fuit, iiſque artibus, quibus inſtruimur ad hunc uſum

NOTES.

(45.) *Camurti et C. Eſerni damnatio*] Camurtus and C. Eſernus were two wicked inſtruments employed by Clodia to revenge herſelf upon one Vettius, who would not yield to her ſolicitations; and, on that account, became the object of her hatred and cruel reſentment. They were concerned in the aſſaſſination of the Alexandrian embaſſadors, and were condemned for it.

(46.) *Ut illa vetus Afrania fabula.*] This either alludes to one Afranius a poet, who wrote ſome plays full of ribaldry, or to an impudent woman called Caia Afrania, mentioned by Valerius Maximus, who informs us that ſhe was conſtantly engaged in lawſuits, that ſhe always pleaded her own cauſe before the prætor, and that ſhe ſpoke ſo much and ſo loud that her name became proverbial in the forum.

had told you, but as what you had diſcovered yourſelf? Is it to be wondered at, if a moſt ſhameful ſtory aroſe from this fictitious box? But there is nothing which ſuch a woman mayn't be ſuppoſed capable of doing; the thing is known, and in every body's mouth. You cannot now be ignorant, my Lords, of what I would, or rather what I would not ſay. If the thing was done, it certainly was not done by Cœlius: for of what advantage could it have been to him? It has been done then perhaps by ſome young fellow, who is not ſo much void of ſenſe as of modeſty. But if the whole is a fiction, it is not indeed a modeſt, but it is an humorous one; it could not however have been talked of publicly, nor believed, were it not that the character of that lady is ſuch, that there is nothing ſo ſhameful which does not ſuit it. I have pleaded the cauſe of Cœlius, my Lords, I have finiſhed my defence; you now ſee the importance of this trial, and how weighty a matter is to be determined by you. An accuſation of violence is now under your conſideration, and the law in relation to it concerns our empire, our grandeur, the intereſt of our country, and the common welfare; a law which was made by Q. Catulus, when our citizens were armed againſt each other, and our liberties almoſt expiring; and which, after the flames that broke out in my conſulſhip were quenched, extinguiſhed the ſmoaking remains of a deſperate conſpiracy. Upon this law the youth of Cœlius is attacked, not to ſatisfy the demands of public juſtice, but to gratify the reſentment and wanton humour of a woman.

SECT. XXX. Here too the condemnation of M. Camurtus and C. Eſernus is mentioned. What folly! folly, ſhall I ſay, or unparallell'd impudence? Have you the aſſurance, you who came from that woman, to make mention of theſe men? Dare you renew the remembrance of ſo enormous a crime, which is only weakned, not extinguiſhed by time? For what was their guilt, and upon what accuſation were they condemned? Why, becauſe they were the inſtruments of this woman's revenge, by making a ſhameful attack upon Vettius. Was it in order to have the name of Vettius mentioned in this cauſe therefore, and that old comedy of Afranius revived, that the caſe of Camurtus and C. Eſernus is brought to our remembrance? Who, though their crime did not fall under the law in relation to violence, were yet ſo highly criminal, that they ſeemed to be condemned by every law. But why is M. Cœlius ſummoned hither, who is neither charged with any crime that can properly fall under this law, nor indeed with any thing that has any relation to the law, and is ſubject to your authority? His early years were devoted to thoſe ſciences and that courſe of ſtudy by which we are formed for the bar, for bearing a

uſum forenſem, ad capeſſendam rempublicam, ad honorem, gloriam, dignitatem: iis autem fuit amicitiis majorum natu, quorum imitari induſtriam continentiamque maxime velit: iis æqualium ſtudiis, ut eundem, quem optimi ac nobiliſſimi, petere curſum laudis videretur. Cum autem paullum jam roboris acceſſiſſet ætati, in Africam profectus eſt, (47.) Q. Pompeio Proconſuli contubernalis, caſtiſſimo viro atque omnis officii diligentiſſimo: in qua provincia cum res erant & poſſeſſiones paternæ, tum etiam uſus quidam provincialis, non ſine cauſa, à majoribus huic ætati tributus. Diſceſſit illinc Pompeii judicio probatiſſimus, ut ipſius teſtimonio cognoſcetis; voluit vetere inſtituto, eorum adoleſcentium exemplo, qui poſt in civitate ſummi viri & clariſſimi cives exſtiterunt, induſtriam ſuam à populo Romano ex aliqua illuſtri accuſatione cognoſci.

XXXI. Vellem alio potius eum cupiditas gloriæ detuliſſet; ſed abiit hujus tempus querelæ. Accuſavit C. Antonium, collegam meum: cui miſero præclari in rempublicam beneficii memoria nihil profuit, nocuit opinio maleficii cogitati. Poſtea nemini conceſſit æqualium, plus ut in foro, plus ut in negotiis verſaretur cauſiſque amicorum, plus ut valeret inter ſuos gratia; quæ niſi vigilantes homines, niſi ſobrii, niſi induſtrii conſequi non poſſunt, omnia labore & diligentia eſt conſecutus. (48.) In hoc flexu quaſi ætatis (nihil enim occultabo, fretus humanitate ac ſapientia veſtra) fama adoleſcentis paullum hæſit ad metas notitia nova mulieris, & infelici vicinitate, & inſolentia voluptatum; quæ cum incluſæ diutius, & prima ætate compreſſæ, & conſtrictæ fuerunt, ſubito ſe nonnunquam profundunt, atque ejiciunt univerſæ; qua ex vita, vel dicam, quo ex ſermone, nequaquam enim tantum erat, quantum homines loquebantur, verùm ex eo, quidquid erat, emerſit, totumque ſe ejecit atque extulit: tantumque abeſt ab illius familiaritatis infamia, ut ejuſdem nunc ab ſeſe inimicitias odiumque propulſet. Atque ut iſte interpoſitus ſermo deliciarum deſidiæque moreretur (fecit, me, mehercule,

NOTES.

(47.) *Q. Pompeio proconſuli contubernalis.*] This may either ſignify, that Cœlius lived in the ſame tent with the proconſul, or that he was under his particular care and inſpection.

(48.) *In hoc flexu quaſi ætatis fama adoleſcentis paullum hæſit ad metas.*] This is a beautiful metapher borrowed from the chariot-races, in which it required great art and dexterity to avoid the *meta* handſomely, in making their turns. Now as this turning was the moſt difficult part of the race, Cicero repreſents that turn of life betwixt youth and manhood as the moſt critical and dangerous period of it: And indeed very juſtly. Youth, being now ſet free from the ſhackles of diſcipline, look abroad into the world with rapture, ſee an elyſian region open before them, ſtored with delight, and being diſtracted by different forms of pleaſure, vainly imagine that every path will equally lead them to the bowers of bliſs. Reaſon being now but a feeble guide, and paſſion and fancy the ſteering principles, no wonder if launching thus into the ocean of life, confident of the ſoundneſs of their veſſels,

ſhare in the government, and for the attainment of glory, honour and dignity. He cultivated friendſhip with thoſe who were more advanced in years than himſelf; but with thoſe only, whoſe induſtry and temperance he was moſt deſirous of imitating; and in his intimacy with his equals he ſeemed to tread the ſame path of honour with the moſt worthy and illuſtrious. When he was a little farther advanced in life, he went into Africa, and lived in the ſame tent with the proconſul Q. Pompeius; a man eminent for his integrity, and a ſtrict obſerver of every moral duty. In this province, where his father had an eſtate, he acquired that provincial experience which our anceſtors juſtly conſidered as neceſſary for young gentlemen of his age; and left it highly approved by Pompey, as you ſhall ſee by the teſtimony he gave of him. He was deſirous of giving the Roman people a proof of his induſtry by impeaching ſome conſiderable perſon, according to an ancient uſage, and in imitation of thoſe young men, who afterwards arrived at great eminence, and became illuſtrious citizens.

SECT. XXXI. I wiſh his paſſion for glory had led him to ſomething elſe; but 'tis too late now to complain of that. He accuſed my unfortunate collegue C. Antonius, to whom the remembrance of his ſervices to the ſtate was of no avail, and the opinion of his having intended its ruin, of great prejudice. None of his equals afterwards ſurpaſſed him in diligence at the bar, in the multiplicity of buſineſs, in managing the cauſes of friends, or in the eſteem of relations; all the advantages, which can only be obtained by the vigilant, the temperate, and the induſtrious, he obtained by labour and diligence. In this turning of life, as it may be called, (for I will conceal nothing, as I have the greateſt confidence in your goodneſs and wiſdom) his reputation met with a rub at the very goal, by his acquaintance with this woman, his unhappy neighbourhood, and his not being accuſtomed to pleaſures; which when they are long confined, and, in the early part of life, checked and ſhackled, pour forth ſometimes all of a ſudden, and throw themſelves out all at once. He has however extricated himſelf from this life, or rather from this report (for he was far from being what he was ſaid to be); but whatever it was, he has raiſed himſelf above it, and is now ſo far removed from the reproach of her intimacy, that he defends himſelf againſt her malice and reſentment. And that he might put an end to thoſe reports of his ſloth and voluptuouſneſs, which clouded his reputation, he accuſed a friend of mine of corruption; much againſt my inclination indeed; he did it however,

NOTES.

ſels, with full ſails, and without a pilot, they are either betrayed into whirlpools, or daſhed againſt the rocks.

mehercule, invito & multum repugnante, ſed tamen fecit) nomen amici mei de ambitu detulit: quem abſolutum inſequitur, revocat: nemini noſtrûm obtemperat: eſt violentior quàm vellem. Sed ego non loquor de ſapientia, quæ non cadit in hanc ætatem: de impetu animi loquor, de cupiditate vincendi, de ardore mentis ad gloriam: quæ ſtudia in his jam ætatibus noſtris contractiora eſſe debent: in adoleſcentia verò, tanquam in herbis, ſignificant, quæ virtutis maturitas, & quantæ fruges induſtriæ ſint futuræ. Etenim ſemper magno ingenio adoleſcentes refrenandi potius à gloria, quàm incitandi fuerunt: amputanda plura ſunt illi ætati, ſiquidem efflorescit ingenii laudibus, quàm inſerenda. Quare, ſi cui nimium efferbuiſſe videtur hujus, vel in ſuſcipiendis, vel in gerendis inimicitiis, vis, ferocitas, pertinacia; ſiquem etiam minimorum horum aliquid offendit; ſi purpuræ genus, ſi amicorum catervæ, ſi ſplendor, ſi nitor; jam iſta deferbuerint; jam ætas omnia, jam iſta dies mitigaret.

XXXII. Conſervate igitur reipublicæ, Judices, civem bonarum artium, bonarum partium, bonorum virorum; promitto hoc vobis, & reipublicæ ſpondeo, ſi modo nos ipſi reipublicæ ſatisfecimus, nunquam hunc à noſtris rationibus ſejunctum fore; quod cùm fretus noſtra familiaritate promitto, tum quod duriſſimis ſe ipſe legibus jam obligarit. Neque enim poteſt, qui hominem conſularem, quòd ab eo rempublicam violatam diceret, in judicium vocarit, ipſe eſſe in republica civis turbulentus: non poteſt, qui ambitu ne abſolutum quidem patitur eſſe abſolutum, ipſe impune unquam eſſe largitor. Habet à M. Cœlio reſpublica, Judices, duas accuſationes vel obſides periculi, vel pignora voluntatis. Quare oro, obteſtorque vos, Judices, ut qua in civitate paucis his diebus (49.) Sext. Clodius abſolutus ſit, quem vos per biennium aut miniſtrum ſeditionis, aut ducem vidiſtis; qui ædes ſacras, qui cenſum populi Romani, qui memoriam publicam ſuis manibus incendit, hominem ſine re, ſine fide, ſine ſpe, ſine ſede, ſine fortunis; ore, lingua, manu, vita omni inquinatum; qui Catuli monumentum afflixit, meam domum diruit, mei fratris incendit; qui in palatio atque in urbis oculis ſervitia ad cædem & inflammandam urbem incitavit: in ea civitate ne patiamini

NOTES.

(49.) *Sextus Clodius abſolutus ſit.*] This is the perſon of whoſe violent behaviour we hear ſo much in the oration for Milo, and that for Cicero's own houſe.

however, notwithſtanding all my endeavours to the contrary: After he was acquitted, he renewed the accuſation; he regarded none of us; and has much more impetuoſity than I could wiſh. But I don't ſpeak of wiſdom, which is ſeldom to be met with in his years; I ſpeak of the bent of his mind, of his paſſion for diſtinguiſhing himſelf, and his ardor for glory; all which, in perſons of our age, ought to be more moderate; but in youth, as in vegetables, they only ſhew what is to be expected from their virtue, when arrived at its maturity, and what a rich harveſt is to ſpring from their induſtry. And indeed it has always been more neceſſary to check young men of great genius in the career of glory, than ſpur them on; and at that age much more is to be lopped than ingrafted, as its powers are opened and ſpread out by applauſe. If Cœlius therefore appears to any to be too impetuous, ſanguine, and obſtinate, either in conceiving or in proſecuting reſentment; if the meaneſt of thoſe that are here preſent are in the leaſt offended by the purple he wears, the number of his friends, his ſplendor and elegance: Theſe things will quickly ſubſide, age and time will ſoon moderate them all.

SECT. XXXII. Preſerve therefore to the ſtate, my Lords, a citizen of virtuous diſpoſitions, of virtuous principles, and of virtuous friendſhips. This I promiſe to you, and engage for it to my country, if I myſelf have hitherto given ſatisfaction to the ſtate, that his meaſures ſhall never be different from mine: This I promiſe both on account of our intimacy, and becauſe he has brought himſelf under the ſtrongeſt engagements to perform it. For it is impoſſible that he who impeached a perſon of conſular dignity for attempting the ruin of the ſtate, ſhould himſelf be a ſeditious citizen: it is impoſſible that he ſhould ever dare to practiſe the arts of corruption, who accuſed another of practiſing them, after being once acquitted. The ſtate, my Lords, has of M. Cœlius two impeachments, as hoſtages that he will never bring her into danger, and as pledges of his affection. In a city therefore, my Lords, where within theſe few days Sextus Clodius has been acquitted, whom for two years you have ſeen either the inſtrument or the leader of ſedition; who with his own hands has ſet fire to the temples, the regiſters, and the archives of Rome; a man without eſtate, without honour, without hope, without a dwelling, without any fortune; whoſe mouth, whoſe tongue, whoſe hands, whoſe whole life is polluted; who demoliſhed the monument of Catulus, threw down my houſe, and burnt that of my brother; who in the Palatium, and before the eyes of all Rome, raiſed the ſlaves to butcher our citizens, and ſet fire to our city; I intreat and conjure you, that you would not ſuffer him to be acquitted in the ſame city

mini illum abſolutum muliebri gratiâ, M. Cœlium libidini muliebri condonatum: ne eadem mulier cum ſuo conjuge & fratre, turpiſſimum latronem eripuiſſe, & honeſtiſſimum adoleſcentem oppreſſiſſe videatur. Quod cum hujus vobis adoleſcentiam propoſueritis, (50.) conſtituitote vobis ante oculos hujus etiam miſeri ſenectutem, qui hoc unico filio nititur, in hujus ſpe requieſcit, hujus unius caſum pertimeſcit: quem vos ſupplicem veſtræ miſericordiæ, ſervum poteſtatis, abjectum non tam ad pedes, quàm ad mores ſenſuſque veſtros, vel recordatione parentum veſtrorum, vel liberorum jucunditate ſuſtentate: ut in alterius dolore, vel pietati, vel indulgentiæ veſtræ ſerviatis. Nolite, Judices, aut hunc jam natura ipſa occidentem velle maturiùs exſtingui vulnere veſtro, quàm ſuo fato: aut hunc nunc primum floreſcentem firmata jam ſtirpe virtutis, tanquam turbine aliquo aut ſubita tempeſtate pervertere. Conſervate parenti filium, parentem filio, ne aut ſenectutem jam prope deſperatam contempſiſſe, aut adoleſcentiam plenam ſpei maximæ non modo non aluiſſe vos, ſed etiam perculiſſe atque afflixiſſe videamini. Quem ſi vobis, ſi ſuis, ſi reipublicæ conſervatis, addictum, obſtrictum vobis ac liberis veſtris habebitis: omniumque hujus nervorum ac laborum vos potiſſimum, Judices, fructus uberes diuturnoſque capietis.

NOTES.

(50.) *Conſtituitote vobis ante oculos hujus etiam miſeri ſenectutem.*] Scarce any thing can be of greater efficacy to melt the mind into tenderneſs and compaſſion, than the ſight of old age, overwhelmed with ſorrow and affliction: This circumſtance, therefore, wrought up with ſo much beauty by one who was maſter of all the powers of eloquence, and knew well all the avenues to the human heart, could not fail of impreſſing the judges with favourable diſpoſitions to Cœlius, who accordingly was acquitted.

ORA-

through the intereſt, and M. Cœlius to be ſacrificed to the luſts, of a woman: leſt the ſame perſon with her huſband, I mean her brother, ſhould ſeem to have ſaved a moſt infamous robber, and ruined a young man of the greateſt worth. And when you have conſidered the youth of Cœlius, place before your eyes the old age of this his wretched father, who has no other ſupport but this only ſon; who founds all his hopes upon him, and has no fears but upon his account. If your hearts were ever touched with pious ſentiments to parents, or with tender affection to children, ſupport him, here proſtrate before you; not ſo much to teſtify his reſpect, as to move your compaſſion; that the ſorrows of both may excite in you every emotion of filial piety and paternal fondneſs. Let not the one, my Lords, who is already ſinking into the grave by the weight of years, be cut off by your ſeverity, ſooner than by the ſtroke of nature; nor the other, now that his virtues have taken deep root, and juſt begun to bloſſom, be thrown down as it were by ſome violent blaſt or ſudden tempeſt. Preſerve the ſon to the father, the father to the ſon, that you may not appear to have deſpiſed an old man almoſt deſtitute of every hope; and not only to have refuſed cheriſhing a youth of the greateſt hopes, but even to have depreſſed and ruined him. By preſerving him to yourſelves, to his friends, to his country, you will find, you will attach and conſecrate him to you and your children; and you, my Lords, will reap the faireſt and moſt laſting fruits of all his abilities, and of all his toils.

ORATIO XI.

In L. Calpurnium PISONEM*.

I. (1.) JAMNE vides, bellua, jamne ſentis, quæ ſit hominum querela frontis tuæ? (2.) nemo queritur Syrum, neſcio quem, de grege novitiorum, factum eſſe conſulem; non enim nos color iſte ſervilis, non piloſæ genæ, non dentes putridi deceperunt: oculi, ſupercilia, frons, vultus denique totus, qui ſermo quidam tacitus mentis eſt, hic in errorem homines impulit: hic eos, quibus eras ignotus, decepit, fefellit, in fraudem induxit. Pauci iſta tua lutulenta vitia noveramus: pauci tarditatem ingenii, ſtuporem debilitatemque linguæ; nunquam erat audita vox in foro; nunquam periculum factum conſilii; nullum non modo illuſtre, ſed ne notum quidem factum, aut militiæ, aut domi; obrepſiſti ad honores errore hominum, (3.) commendatione fumoſarum imaginum: quarum ſimile habes nihil præter colorem. Is mihi etiam gloriabitur, ſe omnes

NOTES.

* L. Calpurnius Piſo was conſul with Gabinius in the year of Rome 695; they were both the profeſſed enemies of Cicero, and concurred with Clodius in thoſe violent meaſures which terminated in his baniſhment. Upon the expiration of his conſulſhip, Piſo went to his government of Macedonia, where his adminiſtration was extremely inglorious: he oppreſſed the ſubjects, plundered the allies, and loſt the beſt part of his troops againſt the neighbouring Barbarians, who invaded and laid waſte the country. Cicero, after his return from exile, neglected no opportunity of being revenged; upon occaſion of a debate in the ſenate about the conſular provinces, he exerted all his authority to get him recalled with ſome marks of diſgrace, and accordingly the ſenate decreed his revocation; when he arrived at Rome, he entered the city obſcurely and ignominiouſly, without any other attendance than his own retinue. On his firſt appearance in public, truſting to the authority of Cæſar, who was his ſon-in-law, he had the hardineſs to attack Cicero, and complain to the ſenate of his injurious treatment of him. Cicero, provoked by his impudent attack, replied to him upon the ſpot in the following oration, which is a ſevere invective upon his whole life and conduct; and which, if invectives are to be conſidered as faithful memoirs, muſt tranſmit to all poſterity the moſt deteſtable character of him.

(1.) *Jamne vides, bellua.*] The beginning of this oration is loſt, excepting a few fragments preſerved by Aſconius.

(2.) *Nemo queritur Syrum, neſcio quem.*] By *Syrum* is here meant, a ſlave; for it was uſual to call ſlaves by the name of the country from whence they came. Some commentators

ORATION XI.

Againſt PISO.

SECT. I. DOST thou not now ſee, blockhead, doſt thou not now perceive what complaints are made of thy impudence? No one complains that an obſcure Syrian, from amongſt a crowd of new-bought ſlaves, is made conſul: for his dark complexion, his hairy cheeks and rotten teeth, would not allow of any impoſition; but here men have been deceived by thoſe eyes, by thoſe brows, by that forehead; in a word, by that whole viſage, which is a kind of ſilent language of the heart: Theſe have miſ-led, abuſed and impoſed upon thoſe, who were ſtrangers to them. There were few of us who knew your filthy vices; few, who were acquainted with your dulneſs, with the ſtupidity and feebleneſs of your tongue. Your voice was never heard in the Forum, nor your opinion in the ſenate: Never was you illuſtrious, nor even known, for any action either in peace or war; you have crept into honours by the miſtake of mankind, without any thing to recommend you but ſmoaky images, which you reſemble in nothing but their colour. And ſhall he vainly boaſt even to me, that he has obtained the higheſt offices of the ſtate without repulſe? This I indeed may be allowed to ſay of myſelf with true glory, on whom, tho' but a new

NOTES.

mentators have indeed imagined that Gabinius, who had Syria for his province, is pointed at; but there ſeems to be little reaſon for ſuch an imagination.

(3.) *Commendatione fumoſarum imaginum.*] The right of uſing pictures or ſtatues at Rome, was only allowed to ſuch whoſe anceſtors or themſelves had borne ſome curule office, that is, had been curule ædile, cenſor, prætor, or conſul. He that had the pictures or ſtatues of his anceſtors, was called *nobilis*; he that had only his own, *novus*; he that had neither, *ignobilis*. It was uſual for the Romans, as Cicero informs us in his book of Offices, to burn frankincenſe and wax lights before them upon the *dies feſti*; whence probably they are here called *fumoſæ*.

nes magiſtratus ſine repulſa aſſecutum? mihi iſta licet de me vera cum gloria prædicare; omnes enim honores populus Romanus mihi ipſi, homini novo, detulit. Nam tu cum quæſtor es factus, etiam qui te nunquam viderant, (4.) tamen illum honorem nomini mandabant tuo. Ædilis es factus: Piſo eſt à populo Romano factus, non iſte Piſo. Prætura item majoribus delata eſt tuis; noti erant illi mortui: te vivum nondum noverat quiſquam. Me cùm (5.) quæſtorem in primis, ædilem priorem, prætorem primum cunctis ſuffragiis populus Romanus faciebat, homini ille honorem, non generi; moribus, non majoribus meis; virtuti perſpectæ, non auditæ nobilitati, deferebat. Nam quid ego de conſulatu loquar? parto vis, anne geſto? Miſerum me! cum hac me nunc peſte, atque labe confero? ſed nihil comparandi cauſa loquar; ac tamen ea quæ ſunt longiſſime disjuncta comprehendam. Tu conſul es renuntiatus (nihil dicam gravius, quàm quod omnes fatentur) impeditis reipublicæ temporibus, diffidentibus Coſſ. Cæſare & Bibulo, cùm hoc non recuſares, quin ii, à quibus dicebare conſul, te luce dignum non putarent, niſi nequior, quam Gabinius, exſtitiſſes; me cuncta Italia, me omnes ordines, me univerſa civitas, non prius tabella quam voce, priorem conſulem declaravit.

II. Sed omitto, ut ſit factus uterque noſtrûm; ſit ſane fors domina campi; magnificentius eſt dicere, quemadmodum geſſerimus conſulatum, quam quemadmodum ceperimus. Ego Kalendis Januar. Senatum & bonos omnes legis agrariæ maximarumque largitionum metu liberavi. Ego agrum Campanum, (6.) ſi dividi non oportuit, conſervavi; ſi oportuit, melioribus auctoribus reſervavi. Ego in C. Rabirio, perduellionis reo (7.) XL. annis ante me conſulem interpoſitam Senatus auctoritatem ſuſtinui contra invidiam, atque defendi. (8.) Ego adoleſcentes bonos & fortes, ſed uſos ea conditione fortunæ, ut,

NOTES.

(4.) *Tamen illum honorem nomini mandabant tuo.*] Cicero reproaches Piſo with being indebted for his advancement, not to perſonal merit, but to his name. He was deſcended indeed from one of the moſt illuſtrious families in Rome, that of Piſo Frugi, who had done many and diſtinguiſhed ſervices to the Roman ſtate. Our orator makes very honourable mention of him in his oration for Fonteius.

(5.) *Quæſtorem imprimis.*] Cicero obtained the quæſtorſhip in the firſt year in which he was capable of it by law, the thirty-firſt of his age; and was choſen the firſt of all his competitors by the unanimous ſuffrages of the tribes.

(6.) *Si dividi non oportuit, ſi oportuit.*] Our orator probably makes this diſtinction for fear of giving offence to Cæſar, who in his conſulſhip had carried an Agrarian law by violence, for diſtributing the Lands of Campania to twenty thouſand poor citizens, who had each three children or more.

(7.) XL. *annis ante me conſulem.*] In this, as in ſeveral other paſſages of his orations, Cicero is not ſcrupulouſly exact in his computations of time; for from the death of Saturninus to his conſulſhip there were only thirty-five years: ſo that he muſt be underſtood, as if he had ſaid, almoſt forty years.

(8.) *Ego adoleſcentes bonos, & fortes.*] What Cicero here refers to, was this. Sylla had by an expreſs law excluded the children of the proſcribed from the ſenate and all public honours. The perſons injured by this tyrannical act, being many, and of great fa-

milies,

man, the Roman people have beſtowed all their honours. When you was made quæſtor, even thoſe who had never ſeen you conferred that honour upon your name. You was made ædile; but it was a Piſo who was then choſen by the Roman people, and not that there Piſo. It was on your anceſtors too that the prætorſhip was beſtowed; theſe illuſtrious dead were known to every body; but you, tho' alive, was known by none. But when the Roman people, by their unanimous ſuffrages, made me quæſtor, ædile and prætor, the firſt of all my competitors, they beſtowed thoſe honours upon Cicero, not upon his family; upon his manners, not upon his anceſtors; upon his virtue which they had ſeen, and not upon his nobility they had heard of. What ſhall I ſay of my conſulſhip? Shall I ſhew how I obtained it, or how I exerciſed it? To what a miſerable ſituation am I now reduced, to compare myſelf with that reproach, that plague of his country! but I will ſay nothing by way of compariſon, and yet I will join things widely different from each other. You was declared conſul, to ſay nothing more than what is univerſally confeſſed, at a difficult period of the ſtate, while the conſuls Cæſar and Bibulus were at variance; and you yourſelf cannot deny that thoſe who declared you conſul, would have deemed you unworthy of the light, if you had not ſurpaſſed Gabinius in wickedneſs. But I was declared the firſt conſul by the ſuffrages and acclamations of all Italy, of all orders of men, and of the whole ſtate.

SECT. II. I ſhall not mention the manner however, in which each of us was made conſul, let chance be ſuppoſed to have preſided in the field of election: it is more glorious to relate how we conducted ourſelves in the conſulſhip, than how we obtained it. On the firſt of January I delivered the ſenate, and every worthy Roman from the terror of the Agrarian law, and that of boundleſs corruption. I preſerved the Campanian lands, if it was not proper they ſhould be divided; if it was, I reſerved that employment for thoſe that were better qualified to diſcharge it. In my pleading for C. Rabirius, who was accuſed of treaſon, for having killed Saturninus, forty years before my conſulſhip, I ſupported and defended the authority of the ſenate when attacked by envy. I excluded from honours a number of brave and worthy young men, but thrown by fortune into ſo miſerable

NOTES.

milies, uſed all their intereſt to get it reverſed. Cicero was of opinion, that their petition was, from the condition of the times, highly unſeaſonable, however equitable; ſince it was natural to ſuppoſe, that the firſt uſe an oppreſſed party would make of the recovery of their power, would be to revenge themſelves on their oppreſſors. Accordingly he made it his buſineſs to prevent that inconvenience, and found means to perſuade thoſe unfortunate men, that to bear their injury was their benefit; and that the government itſelf could not ſtand, if Sylla's laws were then repealed, on which the quiet and order of the republic were eſtabliſhed. Mr. Guthrie, in a note upon this paſſage, falls

ut, ſi eſſent magiſtratus adepti, reipub. ſtatum convulſuri viderentur, meis inimicitiis, nulla Senatûs mala gratia, comitiorum ratione privavi; ego Antonium collegam, cupidum provinciæ, multa in republica molientem, patientia atque obſequio meo mitigavi. Ego provinciam Galliam Senatus auctoritate, exercitu & pecunia inſtructam & ornatam, quam cum Antonio communicavi, quod ita exiſtimabam tempora reipubl. ferre, in concione depoſui, reclamante populo Romano. Ego L. Catilinam, cædem Senatus, interitum urbis, non obſcure, ſed palam molientem, egredi ex urbe juſſi: ut, à quo legibus non poteramus, mœnibus tuti eſſe poſſemus. Ego tela extremo menſe conſulatus mei intenta jugulis civitatis de conjuratorum nefariis manibus extorſi. Ego fæces jam accenſas ad hujus urbis incendium comprehendi, protuli, exſtinxi.

III. Me Q. Catulus princeps hujus ordinis, & auctor publici conſilii, frequentiſſimo Senatu, parentem patriæ nominavit. Mihi hic vir clariſſimus, qui propter te ſedet, L. Gellius, his audientibus, civicam coronam deberi à repub. dixit. Mihi togato Senatus, non, ut multis, bene geſtæ, ſed ut nemini, conſervatæ reipublicæ, ſingulari genere ſupplicationis, deorum immortalium templa patefecit. (9.) Ego cum in concione, abiens magiſtratû, dicere à tribuno plebis prohiberer, quæ conſtitueram; cumque is mihi tantummodo ut jurarem, permitteret; ſine ulla dubitatione juravi, rempubl. atque hanc urbem mea unius opera eſſe ſalvam. Mihi populus Romanus univerſus, illa in concione, non unius diei gratulationem, ſed æternitatem immortalitatemque donavit, cum meum jusjurandum tale atque tantum, juratus ipſe, una voce & conſenſu approbavit. Quo quidem tempore is meus domum fuit è foro reditus, ut nemo, niſi qui mecum eſſet, civium eſſe in numero videretur. Atque ita eſt à me conſulatus peractus, ut nihil ſine conſilio Senatus, nihil non approbante populo Romano egerim: ut ſemper in noſtris curiam, in Senatu populum defenderim: ut multitudinem cum principibus, e-

queſtrem

NOTES.

falls foul upon Cicero, whoſe conduct, on this occaſion, he ſays, was both impolitic and unjuſt, and the apology he makes for it a ſneaking one. But the ingenious and learned Dr. Middleton, with more judgment obſerves, that he acted the part of a wiſe ſtateſman, who is often forced to tolerate, and even maintain, what he cannot approve, for the ſake of the common good; agreeably to what he lays down in his book of Offices, that *many things which are naturally right and juſt, are yet by certain circumſtances and conjunctures of times made diſhoneſt and unjuſt.*

(9.) *Ego cum in concione, abiens magiſtratu, dicere à tribuno plebis prohiberer, quæ conſtituéram.*] It was uſual to reſign the conſulſhip in an aſſembly of the people, and to take an oath *of having diſcharged it with fidelity*. This was generally accompanied with a ſpeech from *the expiring conſul*; and after ſuch a year, and from ſuch a ſpeaker, the city was in no ſmall expectation of what Cicero would ſay to them: but Metellus, one of the new tribunes, who generally opened their magiſtracy by ſome remarkable act, as a ſpecimen of the meaſures they intended to purſue, diſappointed both the orator and the audience: for when Cicero had mounted the

Roſtra,

ſerable a ſituation, that if they had obtained power, they would probably have employed it to the ruin of the ſtate; and this by rendering myſelf only obnoxious, without bringing the ſenate under any odium. By my patience and complaiſance I ſoftned my collegue Antony, who was deſirous of a province, and was meditating many things againſt the ſtate. In a public aſſembly, contrary to the inclination of the Roman people, I reſigned the province of Gaul; which, by the ſenate's order, was well furniſhed with money and troops; and exchanged it with Antony, becauſe, I thought, the ſituation of the ſtate required it. L. Catiline, who was projecting the murder of the ſenate, and the deſtruction of Rome, not ſecretly but openly, I ordered to leave the city; that, as our laws would not defend us from him, our walls might. In the laſt month of my conſulſhip, I wreſted from the wicked hands of conſpirators, the ſwords which they aimed at the throats of my fellow-citizens. I ſeized, produced, and extinguiſhed the torches that were lighted up to ſet fire to the city.

SECT. III. Q. Catulus, prince of the ſenate, and the guide of public deliberations, in a full houſe, declared me the father of my country. L. Gellius, that illuſtrious ſenator who ſits near you, ſaid, in the hearing of this aſſembly, that a civic crown was due to me from the republic. The ſenate, by an extraordinary kind of ſupplication, opened the temples of the immortal gods to me in my robes of peace, not for having done ſervice to the ſtate, which had been the caſe of many, but for having ſaved it from ruin, which had happened to none. Upon the expiration of my office, when a tribune of the people hindered me from ſaying publicly what I intended, and would only allow me to take the oath, I ſwore without any heſitation that I alone had preſerved the commonwealth and this city from deſtruction. The whole Roman people upon that occaſion beſtowed upon me, not the acclamations of a day, but an eternity and immortality of applauſe; for with one voice, and with one conſent, they confirmed this my ſolemn and important oath, and ſwore themſelves that what I ſaid was true: After which my return from the Forum to my own houſe was ſuch, that none but thoſe who attended me ſeemed to be Romans. Such indeed was my conduct during the whole of my conſulſhip, that I did nothing without the Advice of the ſenate, nothing without the approbation of the Roman people. From the Roſtra I always defended the cauſe of

NOTES.

Roſtra, and was ready to perform this laſt act of his office, he would not ſuffer him to ſpeak, or do any thing more than barely take the oath; declaring, *that he, who had put citizens to death unheard, ought not to be permitted to ſpeak for himſelf.*

queſtrem ordinem cum Senatu conjunxerim. Expoſui breviter conſulatum meum.

IV. Aude nunc, ô furia, de tuo dicere: cujus fuit initium (10.) ludi Compitalitii, tum primum facti poſt L. Metellum & Q. Marcium coſſ. contra auctoritatem hujus ordinis: quos Q. Metellus (facio injuriam fortiſſimo viro mortuo, qui illum, cujus paucos pares hæc civitas tulit, cum hac importuna bellua conferam) ſed ille deſignatus conſul, cum quidem tribunus pleb. ſuo auxilio magiſtros, ludos contra ſenatuſconſultum facere juſſiſſet, privatus fieri vetuit: atque id, quod nondum poteſtate poterat, obtinuit auctoritate. Tu, cum, in Kalendis Jan. Compitaliorum dies incidiſſet, Sex. Clodium, qui nunquam antea prætextatus fuiſſet, ludos facere, & prætextatum volitare paſſus es, hominem impurum, atque non modo facie, ſed etiam oculo tuo digniſſimum. Ergo his fundamentis poſitis conſulatus tui, triduo poſt, inſpectante & tacente te, à P. Clodio, fatali portento prodigioque reipublicæ, lex Ælia & Fuſia everſa eſt, propugnacula murique tranquillitatis atque otii. Collegia non ea ſolum, quæ Senatus ſuſtulerat, reſtituta ſunt, ſed innumerabilia quædam nova ex omni fæce urbis ac ſervitio conſtituta. Ab eodem homine in ſtupris inauditis nefariiſque verſato, vetus illa magiſtra pudoris & modeſtiæ, ſeveritas cenſoria ſublata eſt: cum tu interim, buſtum reipubl. qui te conſulem tum Romæ dicis fuiſſe, verbo nunquam ſignificaris ſententiam tuam tantis in naufragiis civitatis.

V. Nondum quæ feceris, ſed quæ fieri paſſus ſis, dico: neque vero multum intereſt, præſertim in conſule, utrum ipſe pernicioſis legibus, improbis concionibus rempubl. vexet, an alios vexare patiatur. An poteſt ulla eſſe excuſatio, non dicam male ſentienti, ſed ſedenti, cunctanti, dormienti in maximo reipub. motu conſuli? centum prope annos legem Æliam & Fuſiam tenueramus: quadringentos judicium, notionemque cenſoriam; quas leges auſus eſt nonnemo improbus, potuit quidem nemo unquam, convellere: quam poteſtatem minuere, quominus de moribus noſtris quinto quoque anno judicaretur, nemo tam effuſe petulans conatus eſt. Hæc ſunt, o carnifex, in gremio ſepulta conſulatus tui. Perſequere connexos his funeribus dies. Pro Aurelio tribunali, ne connivente quidem te, quod

NOTES.

(10.) *Ludi Compitalitii.*] The *Ludi Compitalitii* were ſo called from the *Compita*, or croſs-lanes, where they were inſtituted and celebrated by the rude multitude that was got together, before the building of Rome: after having been laid down for many years, they were revived and held during the *Compitalia*, or feaſts of the *Lares*, who preſided as well over ſtreets as houſes. We are told by Suetonius, that Auguſtus ordered the *Lares* to be crowned twice a year at the *Compitalitian* games, with ſpring-flowers. This crowning the houſhold gods, and offering ſacrifices up and down in the ſtreets, made the greateſt part of the ſolemnity of the feaſt.

of the ſenate, and in the ſenate that of the people; the lower ſort of the people I united with the higher, and the equeſtrian with the ſenatorian order. Thus have I briefly laid open my Conſulſhip.

SECT. IV. If thou dareſt now, deteſtable fury, ſpeak of thine, which was begun with the Compitalitian games, then firſt exhibited ſince the conſulſhip of L. Metellus and Q. Marcius, againſt the authority of this order. Q. Metellus, when conſul elect, (but I do an injury to the memory of that brave man, who has had few equals in this ſtate, when I compare him with this worthleſs being) forbad, as a private perſon, theſe games to be celebrated; tho' a tribune of the people, in oppoſition to a decree of the ſenate, had ordered it; and thus effected by his credit, what he could not as yet have done by his power. Theſe games falling upon the firſt of January, you ſuffered Sex. Clodius, that beaſtly fellow, and highly worthy of your countenance and friendſhip, to celebrate them, and to flutter about in his purple-bordered robe, tho' till then he had never wore it. Having thus laid the foundations of your conſulſhip, three days after, the Ælian and Fuſian laws, thoſe walls and bulwarks of the public peace and tranquillity, were aboliſhed by P. Clodius, that pernicious monſter to the ſtate, whilſt you looked ſilently on. Thoſe fraternities, which the ſenate deſtroyed, were not only reſtored, but numberleſs new ones were raiſed, conſiſting of ſlaves and the very dregs of the city. The ſame Clodius, who abandoned himſelf to the moſt horrible and unheard-of acts of lewdneſs and debauchery, aboliſhed the ſeverity of the cenſorſhip, that antient directreſs of manners and modeſty; whilſt you, the ſepulchre of the ſtate, who tell us that you was then conſul at Rome, never opened your mouth amidſt the ſo great deſolation of your country.

SECT. V. I have hitherto mentioned not what you did, but only what you ſuffered to be done; tho' indeed there is little difference, eſpecially in a conſul, whether he himſelf haraſſes the ſtate by pernicious laws, and wicked cabals, or allows others to do it. Can any excuſe be made, I ſhall not ſay for a diſaffected conſul, but for one who ſits ſtill, who loiters, and ſleeps during the greateſt commotions of the ſtate? The Ælian and Fuſian laws we had obſerved almoſt for an hundred years, and the juriſdiction of the cenſors had ſubſiſted four hundred: Theſe laws one wretch endeavoured, but no man was ever able to ſhake; as to the juriſdiction of the cenſors, no perſon ever arrived at ſuch a pitch of audaciouſneſs, as to endeavour to leſſen it, and prevent our manners from being brought under their cognizance every fifth year. All theſe, thou executioner of the laws, were buried in the boſom of thy conſulſhip. Go on, and inform us of what happened immediately after this deſolation

quod ipſum eſſet ſcelus, ſed etiam hilarioribus oculis, quam ſolitus eras, intuente, delectus ſervorum habebatur ab eo, qui nihil ſibi unquam nec facere, nec pati turpe eſſe duxit; (11.) arma in templo Caſtoris, ô proditor templorum omnium! vidente te, conſtituebantur ab eo latrone, cui templum illud fuit, te conſule, arx civium perditorum, receptaculum veterum Catilinæ militum, caſtellum forenſis latrocinii, buſtum legum omnium ac religionum. Erat non ſolum domus mea, ſed totum Palatium Senatu, equitibus Romanis, civitate omni, Italia cuncta refertum: cum tu non modo ad eum Ciceronem (mitto enim domeſtica, quæ negari poſſunt: hæc commemoro, quæ ſunt palam) non modo, inquam, ad eum, cui primam comitiis tuis dederas tabulam prærogativæ, quem in Senatu ſententiam rogabas tertium, nunquam aſpiraſti: ſed omnibus conſiliis, quæ ad me opprimendum parabantur, non interfuiſti ſolum, verum etiam crudeliſſime præfuiſti.

VI. Mihi vero ipſi (12.) coram genero meo, propinquo tuo, quæ dicere auſus es? egere, foris eſſe Gabinium: ſine provincia ſtare non poſſe: ſpem habere à tribuno plebis, ſi tua conſilia cum illo conjunxiſſes: à Senatu quidem deſperaſſe: hujus te cupiditati obſequi, ſicuti ego feciſſem in collega meo: nihil eſſe quòd præſidium conſulum implorarem: ſibi quemque conſulere oportere. Atque hæc dicere vix audeo: vereor ne qui ſit, qui iſtius inſignem nequitiam, frontis involutam in integumentis, nondum cernat; dicam tamen: ipſe certe agnoſcet, & cum aliquo dolore flagitiorum ſuorum recordabitur. Meminiſti-ne, cœnum, cùm ad te quinta fere hora cum C. Piſone veniſſem, neſcio quo è gurguſtio te prodire, involuto capite, ſoleatum? &, cùm iſto ore fœtido teterrimam nobis popinam inhiaſſes, excuſatione te uti valetudinis, quod diceres, vinolentis te quibuſdam medicaminibus ſolere curari? quam nos cauſam cum accepiſſemus (quid enim facere poteramus?) paulliſper ſtetimus in illo ganearum tuarum nidore, atque fumo: unde tu nos cum improbiſſimè reſpondendo, tum turpiſſimè eructando ejeciſti.

Idem

NOTES.

(11.) *Arma in templo Caſtoris.*] This temple was built by Aulus Poſthumius upon his victory over the Latins, about the year of Rome 258; in conſequence of a fabulous ſtory, which we find related by Dionyſius of Halicarnaſſus. Two young horſemen, 'tis ſaid, of an extraordinary and majeſtic ſtature, appeared to Poſthumius during the battle of Regillus, and fought for the Romans. In the evening, after the battle, they appeared at Rome in the forum, and after having told the crowd of citizens who ſurrounded them, the firſt news of the victory, they diſappeared. The next morning the magiſtrates receiving letters from Poſthumius, which, among other circumſtances of the battle, mentioned the ſudden appearance of the two young horſemen who fought for the Romans; it was concluded they were the ſame who had brought the news to Rome, and that they could be no other than Caſtor and Pollux. This fabulous ſtory was believed among the Romans, and tranſmitted to poſterity by public monuments, which were ſtill ſubſiſting in the time of Dionyſius.

(12.) *Coram genero meo.*] This was C. Piſo Frugi, on whom Cicero beſtows a very high character; and tells us, that for probity,

of the ſtate. Before the Aurelian tribunal, a levy of ſlaves was made by one, who never thought any thing too infamous either to do or ſuffer, whilſt you did not affect indeed to look on with indifference, tho' even this would have been a crime, but beheld it with unuſual pleaſure. Before thy eyes, thou who haſt violated all the temples, arms were placed in the temple of Caſtor by that robber, who uſed it as a citadel for abandoned citizens, as a receptacle for Catiline's veterans, as the ſtrong hold of civil robbery, as the ſepulchre of all laws, and of every thing ſacred. Not only my houſe, but the whole Palatium was filled with ſenators, with Roman knights, with the citizens of Rome, and the inhabitants of all Italy; whilſt you, (for I paſs by domeſtic tranſactions, which may be denied; and confine myſelf to thoſe that are publicly known) whilſt you, I ſay, not only never aſſiſted that Cicero, whom, at your election, you employed to preſide over the votes of the leading century, and who was the third, whoſe opinion you aſked in the ſenate; but whenever any ſcheme was formed for my deſtruction, you was preſent, nay you cruelly preſided.

SECT. VI. But what was it you had the impudence to ſay to myſelf before my ſon-in-law, your own kinſman? that Gabinius was ſo very poor, that he was not able to ſhew his head; that it was impoſſible for him to ſubſiſt without a province; that he had ſome hopes of one from a tribune of the people, if he and you were to join intereſts, but that he deſpaired of any thing from the ſenate; that you humoured him as I had done my collegue; that it ſignified nothing to implore the help of the conſuls; and that every man ought to look to himſelf. And here there are ſome things I ſcarce dare mention. I am afraid leſt there ſhould be any who do not yet perceive the exceſſive wickedneſs which is concealed under the folds of that fellow's forehead: I will mention them however. He himſelf will certainly acknowledge them, and the recollection of his crimes will be attended with ſome pangs of remorſe. Doſt thou not remember, thou filthy wretch, how that, when C. Piſo and I went to you almoſt at mid-day, we found you coming out from a little hovel, with your ſandals on your feet, and your head muffled up; and when you had almoſt overwhelmed us with a fœtid ſtream poured forth from your ſtinking mouth, how you excuſed yourſelf on account of your bad health, and alledged that you made uſe of vinous medicines? After this apology, we remained a little, (for what could we do?) amidſt the ſtench and ſmoke of your filthy hovel, whence you forced us away by your low anſwers, and

NOTES.

bity, virtue, modeſty, and every accompliſhment of a fine gentleman and fine ſpeaker, he ſcarce had his equal among all the young noblemen of Rome.

Idem illo fere biduo productus in concionem ab eo, cui sic æquatum præbebas consulatum tuum, cum esses interrogatus, quid sentires de consulatu meo; gravis auctor, Calatinus credo aliquis, aut Africanus, aut Maximus, & non Cæsonius (13.) Semi-placentinus Calventius, respondes, altero ad frontem sublato, altero ad mentum depresso supercilio, crudelitatem tibi non placere.

VII. Hic te ille homo dignissimus tuis laudibus collaudavit. Crudelitatis tu, furcifer, Senatum consul in concione condemnas? non enim me, qui senatui parui; nam delatio illa salutaris & diligens fuerat consulis: animadversio quidem & judicium Senatûs; quæ cum reprehendis, ostendis, qualis tu, si ita forte accidisset, fueris illo tempore consul futurus; stipendio, mehercule, & frumento Catilinam esse putasses juvandum; quid enim interfuit inter Catilinam, & eum, cui tu Senatûs auctoritatem, salutem civitatis, totam rempub. provinciæ præmio vendidisti? Quæ enim L. Catilinam conantem consul prohibui, ea P. Clodium facientem consules adjuverunt; voluit ille Senatum interficere, vos sustulistis: leges incendere, vos abrogastis: interire patriam, vos adjuvistis. Quid est vobis coss. gestum sine armis? incendere illa conjuratorum manus voluit urbem; vos ejus domum, quem propter urbs incensa non est. Ac ne illi quidem, si habuissent vestri similem consulem, de urbis incendio cogitassent; non enim se tectis privare voluerunt: sed his stantibus nullum domicilium sceleri suo fore putaverunt; cædem illi civium, vos servitutem expetistis. His vos etiam crudeliores; huic enim populo ita fuerat ante vos coss. libertas insita, ut emori potiùs quam servire præstaret. Illud vero geminum consiliis Catilinæ & Lentuli, quod me domo mea expulistis, Cn. Pompeium domum suam compulistis; neque enim, me stante & manente in urbis vigilia, neque resistente Cn. Pompeio omnium gentium victore, unquam se illi rempublicam delere posse duxerunt; à me quidem etiam pœnas expetistis, quibus conjuratorum manes mortuorum expiaretis: omne odium incluſum nefariis sensibus impiorum in me profudistis: quorum ego furori nisi cessissem, in Catilinæ busto, vobis ducibus, mactatus essem. Quod autem majus indicium exspectatis, nihil inter vos & Catilinam interfuisse, quàm quod eandem illam manum ex intermortuis

NOTES.

(13.) *Semi-placentinus.*] Piso is here called Semi-placentinus, because his mother was of Placentia.

infamous belchings. About two days after, being brought into an aſſembly by him with whom you had ſhared your conſular authority, when you was aſked what you thought of my conſulſhip, with an air of gravity, like a Calatinus, an Africanus, or Maximus; and not like a half Placentian, ſprung from Cæſonius and Calventius, having one brow ſcrewed up to your forehead, and another hanging down to your chin, you replied, *that my cruelty did not pleaſe you.*

SECT. VII. Here you was applauded by him who is highly worthy of celebrating your praiſes. Doſt thou, villain; doſt thou, a conſul, charge the ſenate with cruelty in a full aſſembly? As for me, I have no ſhare in the charge; for I only obeyed the ſenate. To give ſalutary and diligent information belonged to me as a conſul, but to bring to a trial and to puniſh belonged to them as a ſenate; by blaming which you plainly ſhew what you would have done, had you been conſul at that time. I make no queſtion but you would have given it as your opinion, that Catiline ſhould be ſupplied with money and proviſions; for where was the difference between Catiline and him with whom you bartered the authority of the ſenate, the ſafety of Rome, and the whole commonwealth, for a Province? For P. Clodius was aſſiſted by the conſuls in doing thoſe things, in which I, as a conſul, obſtructed the attempts of Catiline. He wanted to murder the ſenate, you have taken away their authority; he wanted to burn the laws, you have abrogated them; he wanted to deſtroy his country, and you have ſeconded his impious attempt. What was done during your conſulſhip without arms? That band of conſpirators w nted to ſet fire to the city, you to the houſe of him who prevented them. But had I been a conſul like you, even they would never have entertained a thought of burning the city, for they would not have cared to deſtroy their own houſes; but whilſt ſuch ſenators remained, they imagined they could have no ſanctuary for their crimes. Their aim was to murder their fellow-citizens, your's to enſlave them. In this, your cruelty was greater than theirs; for before your conſulſhip, ſo ardent was the love of liberty in the breaſt of every Roman, that they would have preferred death to ſlavery. It was in imitation of the conduct of Catiline and Lentulus that you drove me from my houſe, and confined Pompey to his; for they never imagined they could deſtroy the ſtate, whilſt I was ſafe, and continued in the city as its watchman; and whilſt Pompey, the conqueror of all nations, oppoſed them. You required my blood to ſatisfy the Manes of the conſpirators, and poured forth upon me all the odium that lay concealed in the breaſts of the enemies of their country; to whoſe fury if I had not yielded, I had, under ſuch leaders as you, been ſacrificed upon the tomb of Catiline. But what ſtronger proof can

you

intermortuis Catilinæ reliquiis concitaſtis? quod omnes undique perditos collegiſtis? quod in me carcerem effudiſtis? quod conjuratos armaſtis? quod eorum ferro ac furori meum corpus, atque omnium bonorum vitam objicere voluiſtis? Sed jam redeo ad præclaram illam concionem tuam.

VIII. Tu es ille, cui crudelitas diſplicet? cui (14.) cum Senatus luctum ac dolorem ſuum veſtis mutatione declarandum cenſuiſſet, cum videres mœrere rempublicam ampliſſimi ordinis luctu, ô noſter miſericors! quid facis? quod nulla in barbaria quiſquam tyrannus; omitto enim illud, (15.) conſulem edicere, ut Senatus ſenatuſconſulto ne obtemperet: quo fœdius nec fieri, nec cogitari quidquam poteſt; ad miſericordiam redeo ejus, cui nimis videtur Senatus in conſervanda patria fuiſſe crudelis. Edicere eſt auſus cum illo ſuo pari, quem tamen omnibus vitiis ſuperare cupiebat, ut Senatus, contra quàm ipſe cenſuiſſet, ad veſtitum rediret. Quis hoc fecit ulla in Scythia tyrannus, ut eos, quos luctu afficeret, lugere non ſineret? mœrorem relinquis, mœroris aufers inſignia: eripis lacrymas, non conſolando, ſed minando. Quod ſi veſtem non publico conſilio Patres conſcripti, ſed privato officio aut miſericordia mutaviſſent; tamen id iis non licere per interdicta crudelitatis tuæ, poteſtatis erat non ferendæ. Cum verò id Senatus frequens cenſuiſſet, ordines reliqui jam ante feciſſent; tu ex tenebricoſa popina conſul extractus, (16.) cum illa ſaltatrice tonſa Senatum populi Romani occaſum atque interitum reipublicæ lugere vetuſti.

IX. At quærebat etiam paullo ante de me, quid ſuo mihi opus fuiſſet auxilio? cur non meis inimicis, meis copiis, reſtitiſſem? quaſi verò non modò ego, qui multis ſæpe auxilio fuiſſem, ſed quiſquam tam inops fuerit unquam, qui, iſto non modò propugnatore, tutiorem ſe, ſed advocato aut adſtipulatore paratiorem fore putaret. Ego iſtius pecudis ac putidæ carnis conſilio ſcilicet aut præſidio niti volebam?

NOTES.

(14.) *Cum Senatus luctum ac dolorem ſuum veſtis mutatione declarandum cenſuiſſet.*] When Cicero was reduced to the condition of a criminal, in conſequence of one of Clodius's laws; he changed his habit upon it, as was uſual in caſe of a public impeachment, and went about the ſtreets in a mourning-gown, to excite the compaſſion of his fellow-citizens. The whole body of the knights and the young nobility, to the number of twenty thouſand, with young Craſſus at their head, changed their habit likewiſe; and upon a motion made by the tribune Ninnius, that the ſenate too ſhould change their habit with the reſt of the city, it was agreed to inſtantly by an unanimous vote.

(15.) *Conſulem edicere, ut Senatus ſenatuſconſulto ne obtemperet.*] When the motion was made by Ninnius for the ſenate to change their habit, Piſo kept his houſe on purpoſe; but Gabinius was ſo enraged, that he flew out of the ſenate into the forum, and declared to the people from the roſtra, that the knights ſhould pay dear for that day's work; and, to confirm the truth of what he ſaid, he baniſh'd L. Lamia, a Roman knight, two hundred miles from the city, for his diſtinguiſhed zeal and activity in Cicero's ſervice. This was followed preſently by an edict from both the conſuls, forbidding the ſenate to put their late vote in execution; and

you desire of the similarity of your conduct to that of Catiline, than your raising the same band from the expiring remains of his associates? than your collecting all the abandoned from every quarter? than your pouring forth the very gaols upon me? than your arming conspirators? than your exposing my person, and the life of every worthy Roman to their rage and violence? But I now return to that admirable speech of yours.

SECT. VIII. Are you the person, who are shocked at cruelty? What did you, good tender-hearted Sir, when the senate had resolved to signify their concern and affliction, by changing their habit, when you saw the highest order of the state express their sorrow by their mourning? what the most barbarous tyrant never did. I pass by the orders given by a consul, that the senate should not obey their own decree; a proceeding however, than which none can be conceived more infamous; and return to the compassion of the man, who thought the senate too cruel in saving their country. He had the impudence to order, in conjunction with that brother of his, whom yet he was desirous to surpass in all manner of wickedness, that the senate, contrary to their own ordinance, should resume their usual habit. What Scythian tyrant ever refused the liberty of groaning under the burden, himself had imposed? You leave them in affliction, and wo'n't allow them to give marks of it; you prevent their tears, not by consolation, but by menaces. Supposing the Conscript Fathers had changed their habit, not in consequence of a public ordinance, but from a principle of private friendship or compassion, it would still have been an act of tyrannical power had you cruelly interposed with your edicts to prevent it: but when a full senate had decreed it, when all the other orders of the state had already done it, then you, who was a consul, being dragged out from a dark tavern, with that sleek dancing lady, forbid the senate to lament the fall and ruin of the state.

SECT. IX. But not long before he asked me what need I had for his assistance, and why I had not opposed my forces to those of my enemies? As if I, who had often assisted many, nay, as if the most destitute person alive would think himself more secure under such a protector, or better prepared for his trial with such an advocate and voucher. Was I desirous of throwing myself upon the counsels or protection of that filthy lump of brutality? Did I expect either assistance

NOTES.

and enjoining them to resume their ordinary dress.

(16.) *Cum illa saltatrice tonsa.*] Gabinius is here meant, who is put in the feminine gender to denote his effeminacy, and is called *saltatrix*; because his Joy at Cicero's banishment is said to have made him dance naked at a public entertainment.

volebam? ab hoc ejecto cadavere quidquam mihi aut opis aut ornamenti exſpectabam? Conſulem ego tum requirebam: conſulem, inquam, non illum quidem, quem in hoc animali invenire non poſſem, qui tantam reipub. cauſam gravitate & conſilio ſuo tueretur: ſed qui, tanquam truncus atque ſtipes, ſi ſtetiſſet modo, poſſit ſuſtinere tamen titulum conſulatûs. Cum enim eſſet omnis cauſa illa mea conſularis & ſenatoria, auxilio mihi opus fuerat & Conſulis, & Senatus: quorum alterum etiam ad perniciem meam erat à vobis conſulibus converſum; alterum reipublicæ penitus ereptum. Ac tamen, ſi conſilium exquiris meum, neque ego ceſſiſſem, & me ipſa ſuo complexu patria tenuiſſet, ſi mihi cum illo buſtuario gladiatore, & tecum, & cum collega tuo decertandum fuiſſet. Alia enim cauſa præſtantiſſimi viri Q. Metelli fuit: quem ego civem meo judicio cum deorum immortalium laude conjungo: qui C. illi Mario fortiſſimo viro, & Coſ. & ſextùm Conſuli, & ejus invictis legionibus, ne armis confligeret, cedendum eſſe duxit. Quod mihi igitur certamen eſſet hujuſmodi? cum C. Mario ſcilicet, aut cum aliquo pari? (17.) an cum altero barbato Epicuro, cum altero Catilinæ laternario? quos neque hercule ego, neque ſupercilium tuum, neque collegæ tui cymbala ac crotala fugi: neque tam fui timidus, ut qui in maximis turbinibus ac fluctibus reipublicæ navem gubernaſſem, ſalvamque in portu collocaſſem, frontis tuæ nubeculam, tum collegæ tui contaminatum ſpiritum pertimeſcerem; alios ego vidi ventos, alias proſpexi animo procellas, aliis impendentibus tempeſtatibus non ceſſi, (18.) ſed his unum me pro omnium ſalute obtuli. Itaque diſceſſu tum meo omnes illi nefarii gladii de manibus crudeliſſimis exciderunt: cum quidem tu, ô vecors & amens, cum omnes boni abditi incluſique mœrerent, templa gemerent, tecta ipſa urbis lugerent, complexus es illud funeſtum animal ex nefariis ſtupris, ex civili cruore, ex omnium ſcelerum importunitate & flagitiorum impunitate concretum: atque eodem in templo, eodem & loci veſtigio & temporis, arbitria non mei ſolùm, ſed patriæ funeris abſtuliſti.

X.

NOTES.

(17.) *An cum altero barbato Epicuro.*] Piſo, in his outward carriage, affected the mein and garb of a philoſopher, being ſevere in his looks, ſqualid in his dreſs, ſlow in his ſpeech, moroſe in his manners, the very picture of antiquity, and a pattern of the antient republic; but under the guiſe of virtue, he was a dirty, ſottiſh, ſtupid Epicurean, and wallowed in all the low and filthy pleaſures of life.

(18.) *Sed his unum me pro omnium ſalute obtuli.*] Cicero, in this paſſage, and in ſeveral other paſſages of his orations, makes a merit of having ſubmitted to a voluntary exile, in order to ſpare the blood of his fellow-citizens, and preſerve the public tranquillity; but his veracity in this ſeems liable to be juſtly queſtioned. It is certain, he once entertained a deſign of taking up arms in his own defence, and he is conſtantly reproaching himſelf in his letters to Terentia and to Atticus, during his exile, for not having done it; ſo that the patriot-motive he ſo often aſſigns, appears to be nothing but the plauſible colouring of artful eloquence. Were it to be admitted that a regard to his country

ſiſtance or countenance from that rotten carcaſe? At that time I wanted a conſul: a conſul, I ſay, not ſuch a one indeed as was capable of defending ſo mighty a ſtate by his wiſdom and counſels, for ſuch I could not have found in that animal; but one who, like a log or trunk of a tree, was able at leaſt, provided he could but ſtand, to have borne the title of the conſulſhip. For my cauſe being wholly conſular and ſenatorian, I wanted the aſſiſtance both of a conſul and a ſenate: But the conſuls were bent upon my deſtruction, and as for the ſenate, its authority was entirely aboliſhed. If you would have my ſentiments upon the matter however, know that I would not have yielded, and that my country ſhould have held me faſt in her embraces, if that murdering gladiator, yourſelf, and your collegue, had been the only enemies I was to contend with. The caſe of Q. Metellus, that illuſtrious citizen, whoſe glory, in my opinion, is equal to that of the immortal gods, was very different; when he thought it adviſable to yield, rather than engage with that braveſt of men, C. Marius, then in his ſixth conſulſhip, and with his invincible legions. What ſuch conflict had I to ſuſtain? was I to contend with C. Marius, or any one equal to him, or with a bearded Epicurean, in conjunction with Catiline's lanthorn-bearer? From ſuch, believe me, I never fled, nor from your haughty looks, nor from the pipes and cymbals of your collegue; nor, after ſteering the veſſel of the republic amidſt the moſt dreadful ſtorms and hurricanes, and conducting her ſafe into the harbour of tranquillity, was I ſo puſillanimous as to dread the clouds of your countenance, or the ſtinking breath of your collegue. I foreſaw other blaſts, other ſtorms, to thoſe that had alredy threatned me I did not yield, but withſtood them alone for the ſake of the public ſafety. Accordingly, at my departure, every wicked ſword dropped from every inhuman hand, whilſt thou, mad wretch, at a time when every worthy Roman was lamenting in ſecret, when our very temples were groaning, when even the dwellings of Rome wore a mournful aſpect, embraced that fatal monſter, that compound of horrid lewdneſs, of civil murder, of all manner of atrocious crimes, and wickedneſs committed with impunity; and in the ſame temple, on the ſame ſpot of ground, and at the ſame inſtant of time, received the price not only of my ruin, but of that of your country.

SECT.

NOTES.

country determined him to withdraw from it, he could not, as the ingenious Mr. Melmoth obſerves, with any degree of truth, boaſt of his patriotiſm upon that occaſion. Since his warmeſt advocates muſt needs allow, that he no ſooner executed this reſolution, than he heartily repented of it. The truth is, his tenderneſs for the peace of his country could not be very great, for he expreſsly deſired Atticus to raiſe the mob in his favour, if there were any hopes of making a ſucceſsful puſh for his reſtoration.

X. Quid ego illorum dierum epulas, quid lætitiam & gratulationem tuam, quid cum tuis ſordidiſſimis gregibus intemperantiſſimas perpotationes prædicem? quis te illis diebus ſobrium, quis agentem aliquid quod eſſet libero dignum, quis denique in publico vidit? cum collegæ tui domus cantu & cymbalis perſonaret; cumque ipſe nudus in convivio ſaltaret: in quo ne tum quidem, cum illum ſuum ſaltatorium verſaret orbem, fortunæ rotam pertimeſcebat. Hic autem non tam concinnus heluo, nec tam muſicus, jacebat in ſuo Græcorum fœtore atque vino; quod quidem iſtius, in illis reipublicæ luctibus, quaſi aliquod Lapitharum, aut Centaurorum convivium ferebatur: in quo nemo poteſt dicere, utrum iſte plus biberit, an vomuerit, an effuderit. Tu etiam mentionem facies conſulatûs tui? aut te fuiſſe Romæ conſulem dicere audebis? quid? tu in lictoribus, in toga & prætexta eſſe conſulatum putas? quæ ornamenta etiam in Sex. Clodio, te Conſule, eſſe voluiſti; hujus tu Clodiani canis inſignibus conſulatum declarari putas? animo conſulem eſſe oportet, conſilio, fide, gravitate, vigilantiâ, curâ, toto denique munere conſulatûs, omni officio [tuendo, maximeque, id quod vis nominis præſcribit, reip. conſulendo.] Ego conſulem eſſe putem, qui Senatum eſſe in republica non putavit? & ſine eo conſilio conſulem numerem, ſine quo Romæ ne reges quidem eſſe potuerunt? Etenim illa jam omitto: cum ſervorum delectus haberetur in foro, arma in templum Caſtoris, & luce & palam comportarentur: id autem templum, ſublato aditu, revulſis gradibus, à conjuratorum reliquiis, atque à Catilinæ prævaricatore quondam, tum ultore, armis teneretur: cum equites Romani relegarentur, viri boni lapidibus è foro pellerentur; Senatui non ſolùm juvare rempublicam, ſed ne lugere quidem liceret: cum civis is quem hic ordo, aſſentiente Italia, cunctiſque gentibus conſervatorem patriæ judicaret, nullo judicio, nulla lege, nullo more, ſervitio atque armis pelleretur, non dicam auxilio veſtro, quod vere licet dicere, ſed certè ſilentio: tum Romæ fuiſſe conſules quiſquam exiſtimabit? Qui latrones igitur, ſi quidem vos conſules? qui prædones, qui hoſtes, qui proditores, qui tyranni nominabuntur?

XI.

SECT. X. Why ſhould I mention the feaſtings of thoſe days, why your mirth and rejoicing, why your exceſſive drinking amidſt the infamous tribe of your companions? Where is the man who ever ſaw you in your ſenſes at that time? where the man that ſaw you employed in any thing becoming a gentleman? where, in a word, the man who ſaw you appear in public? whilſt the houſe of your collegue reſounded in the mean time with ſongs and cymbals, whilſt he himſelf danced naked amidſt the entertainment, without being taught by the giddy dances he led up, to apprehend the giddineſs of fortune. As for this fellow, who is not ſo elegant and muſical a rioter as the other, he contented himſelf with wallowing in wine, and amidſt the impurities of his Greeks; which entertainment of his, at a time of public ſorrow, was ſaid to reſemble thoſe of Lapithæ and the Centaurs; nor is it eaſy to ſay whether he drank, or vomited, or waſted a greater quantity of wine upon that occaſion. And will you, notwithſtanding this, make mention of your conſulſhip? Will you have the impudence to ſay that you was a conſul at Rome? What! do you imagine that the conſulſhip conſiſts in the Lictors, in the gown and the prætexta? Ornaments which, when conſul, you beſtowed even upon Sextus Clodius. Do you think that the conſulate is expreſſed by badges worn by Clodius's dog? One cannot be a conſul without ſpirit, conduct, honour, gravity, vigilance, care; without diſcharging, in a word, every duty of his office, by defending, and, above all, by conſulting the intereſt of the ſtate, which is implied in the very name. Shall I look upon him as a conſul, who did not think there was a ſenate in the republic? Can I figure to myſelf a conſul but in conjunction with that aſſembly, without which even kings could not reign at Rome? I ſhall not mention the levies of ſlaves that were made in the forum; the arms which were carried publicly, and in the face of day into the temple of Caſtor; the obſtructing of the entrance of that temple, the tearing away of the ſteps that led up to it, its being taken poſſeſſion of by the remains of the conſpirators in arms, and by him who had once been the ſham-accuſer of Catiline, but then his avenger. At a time when Roman knights were baniſhed, when worthy citizens were ſtoned out of the forum, when the ſenate was not allowed not only to aſſiſt their country, but even to mourn over it; when a citizen, who was declared the ſaviour of his country by this aſſembly, by the common voice of Italy, and of all nations, was expelled by ſlaves and open violence, I ſhall not ſay by your aſſiſtance, tho' I might conſiſtently with truth, but certainly with your connivance, without any trial, without any law, without any precedent; will any one think there were conſuls at Rome? If you are to be accounted conſuls, who muſt be reckoned cut-throats, who robbers, who enemies, who traitors, who tyrants?

XI. Magnum nomen eſt, magna ſpecies, magna dignitas, magna majeſtas conſulis; non capiunt anguſtiæ pectoris tui, non recipit levitas iſta, non egeſtas animi; non infirmitas ingenii ſuſtinet, non inſolentia rerum ſecundarum tantam perſonam, tam gravem, tam ſeveram. (19.) Seplaſia, mehercule, ut dici audiebam, te, ut primum aſpexit, Campanum conſulem repudiavit. (20.) Audierat Decios Magios, & de Taurea illo Jubellio aliquid acceperat: in quibus ſi moderatio illa, quæ in noſtris ſolet eſſe conſulibus, non fuit; at fuit pompa, fuit ſpecies, fuit inceſſus, ſaltem Seplaſia dignus & Capua. Gabinium denique ſi vidiſſent duumvirum veſtri illi unguentarii, citius agnoviſſent; erant illi compti capilli, & madentes cincinnorum fimbriæ, & fluentes ceruſſatæque buccæ, dignæ Capua, ſed illa vetere; nam hæc quidem, quæ nunc eſt, ſplendidiſſimorum hominum, fortiſſimorum virorum, optimorum civium, mihique amiciſſimorum multitudine redundant: quorum Capuæ te prætextatum nemo aſpexit, qui non gemeret deſiderio mei: cujus conſilio, cum univerſam rempublicam, tum illam ipſam urbem meminerant eſſe ſervatam; me inaurata ſtatua donarant: me patronum unum adſciverant: à me ſe habere vitam, fortunas, liberos arbitrabantur: me & præſentem contra latrocinium tuum ſuis decretis legatiſque defenderunt, & abſentem, principe Cn. Pompeio referente, & de corpore reipub. tuorum ſcelerum tela revellente, revocarunt. An tu eras Conſul, cum in Palatio mea domus ardebat, non caſu aliquo, ſed ignibus injectis, inſtigante te? Ecquod in hac urbe majus unquam incendium fuit, cui non Conſul ſubvenerit? At tu illo ipſo tempore apud ſocrum tuam prope à meis ædibus, cujus domum ad meam exhauriendam patefeceras, ſedebas, non exſtinctor, ſed auctor incendii; & ardentes faces furiis Clodianis pene ipſe Conſul miniſtrabas.

XII. An verò reliquo tempore Conſulem te quiſquam duxit? quiſquam tibi paruit? quiſquam in curiam venienti adſurrexit? quiſquam conſulenti reſpondendum putavit? numerandus eſt ille annus denique in republica, cum obmutuiſſet Senatus, judicia conticuiſſent, mœrerent boni, vis latrocinii veſtri tota urbe volitaret, neque civis unus ex civitate, ſed ipſa civitas tuo & Gabinii ſceleri furorique ceſſiſſet?

NOTES.

(19.) *Seplaſia, mehercule, ut dici audiebam, te, ut primum aſpexit, Campanum conſulem repudiavit.*] Cæſar, in his conſulſhip, having ſent a colony to Capua, gave the command of it to Pompey and Piſo, with the title of Duumvirs. Piſo, not content with this title, aſſumed that of conſul: ſo that the ſenſe of the paſſage is this; you no ſooner made your appearance in Capua, than Seplaſia or the perfumers-ſtreet conceived ſo mean an opinion of you, that they thought you unworthy even of the office of Duumvir.

(20.) *Audierat Decios Magios, et de Taurea illo Jubellio aliquid acceperat.*] Theſe are the names of illuſtrious Campanians, of whom we find honourable mention made by Livy.

SECT. XI. Great is the authority, great is the appearance, great the dignity, and great the majeſty of a conſul; but the narrowneſs of thy ſoul cannot admit theſe, the levity and meanneſs of thy ſpirit cannot receive them, nor can thy contracted capacity, and thy inſolence in proſperity, ſuſtain ſo important, ſo weighty, and ſo venerable a character. I have been told, I declare, that even the perfumers ſtreet at Capua rejected you for a Campanian conſul, the moment they ſaw you. They had heard a little of the Decii, of the Magii, and of Taureas Jubellius, who, tho' they were not poſſeſſed of that wiſdom which our conſuls generally have, had yet pomp, appearance, and a ſtately manner, which did honour at leaſt to the perfumer's ſtreet, and to the city of Capua. It would, in ſhort, have given greater pleaſure to theſe ſellers of perfumes to have had Gabinius in quality of Duumvir. His hair was dreſſed, his curled locks nicely perfumed, and his cheeks painted in a manner worthy of Capua: I mean of old Capua; for Capua, at preſent, abounds with the moſt illuſtrious men, the braveſt heroes, the beſt citizens, all my very good friends. There was not a man of theſe who ſaw you at Capua, that did not lament the loſs of me, by whoſe counſels they remembered that the whole ſtate and that very city in particular had been preſerved. To me they had raiſed a gilded ſtatue; me they had taken as their ſole protector; to me they reckoned themſelves indebted for their lives, for their fortunes, and for their children. When I was preſent, they had defended me againſt thy robberies by their decrees and deputies; and when abſent, they recalled me at the motion of Pompey, who tore the weapons of thy villainy from the body of the republic. Was you conſul when my houſe on the Palatium was on fire, not by accident, but by torches thrown into it at your inſtigation? Did ever a fire break out in Rome, and the conſul not haſten to extinguiſh it? But you were ſitting all the while near my houſe, at your mother-in-law's, whoſe doors you had thrown open to receive what was plundered from me: there you ſat, not indeed to extinguiſh, but to increaſe the flames; and conſul as you was, in a manner ſupplied the furious inſtruments of Clodius with burning torches.

SECT. XII. During the remaining part of your year, did any man look upon you as conſul? did any man obey you? did any ſenator riſe up to ſalute you, when you came into the ſenate? did any one give you his opinion, when you aſked it? In a word, is that year to be reckoned in the Roman annals, in which the ſenate was ſilent, the courts of juſtice ſhut up, every worthy man oppreſſed with affliction, the violence of thy robbery raging over the whole city; when not only one citizen left Rome, but the city itſelf gave way to your rage and wickedneſs, and to that of your collegue? Yet

even

ſiſſet? At ne tum quidem emerſiſti, lutulente Cæſonine, ex miſerrimis naturæ tuæ ſordibus; (21.) cum experrecta tandem virtus clariſſimi viri, celeriter & verum amicum, & optime meritum civem, & ſuum priſtinum morem requiſivit: neque eſt ille vir paſſus, in ea republica, quam ipſe decorarat atque auxerat, diutius veſtrorum ſcelerum peſtem morari: cum tamen ille, qualiſcunque eſt, qui eſt ab uno te improbitate victus, Gabinius, collegit ipſe ſe vix, ſed collegit tamen: & contra ſuum Clodium primùm ſimulatè, deinde non libenter; (22.) ad extremum tamen pro Cn. Pompeio verè vehementerque pugnavit. Quo quidem in ſpectaculo mira populi Romani æquitas erat: uter eorum periſſet, tanquam laniſta, in ejuſmodi pari, lucrum fieri putabat: immortalem verò quæſtum, ſi uterque cecidiſſet. Sed ille tamen agebat aliquid: tuebatur auctoritatem ſummi viri: erat ipſe ſceleratus, erat gladiator: cum ſcelerato tamen, & cum pari gladiatore pugnabat. Tu ſcilicet homo religioſus & ſanctus, fœdus, quod meo ſanguine in pactione provinciarum iceras, frangere noluiſti; caverat enim ſibi ille ſororius adulter, ut, ſi tibi provinciam, ſi exercitum, ſi pecuniam ereptam ex reipublicæ viſceribus dediſſet, omnium ſuorum ſcelerum ſocium te, adjutoremque præberes; itaque in illo tumultu fracti faſces, ictus ipſe: quotidie tela, lapides, fugæ: deprehenſus denique cum ferro ad Senatum is, quem ad Cn. Pompeium interimendum collocatum fuiſſe conſtabat.

XIII. Et quis audivit non modo actionem aliquam, aut relationem, ſed vocem omnino, aut querelam tuam? conſulem tu te fuiſſe putas, cujus in imperio, qui rempublicam Senatûs auctoritate ſervarat, idemque in Italia, qui omnes omnium gentium partes tribus triumphis devinxerat, is ſe in publico tutò ſtatuit eſſe non poſſe? An tum eratis conſules, cùm quacunque de re verbum facere cœperatis, aut referre ad Senatum, cunctus ordo reclamabat, oſtendebatque nihil eſſe vos acturos, niſi prius de me retuliſſetis? cum vos, quanquam

NOTES.

(21.) *Cum experrecta tandem virtus clariſſimi viri.*] Pompey is here meant, whoſe engagements with Cæſar obliged him to ſuffer Cicero to be driven into exile; to ingratiate himſelf, however, with the ſenate and people, and to correct the inſolence of Clodius, he favoured his return. So inſolent indeed was Clodius grown, upon his victory over Cicero, that even his friends could not bear him any longer; for having baniſhed Cicero, and ſent Cato out of his way, he began to fanſy himſelf a match for Pompey; and, in open defiance of him, ſeized by ſtratagem into his hands the ſon of king Tigranes, whom Pompey had brought with him from the Eaſt, and kept a priſoner at Rome; and, inſtead of delivering him up, when Pompey demanded him, undertook, for a large ſum of money, to give him his liberty and ſend him home. This affront, which Pompey could not digeſt, rouſed him to think of recalling Cicero.

(22.) *Ad extremum tamen pro Cn. Pompeio verè vehementerque pugnavit.*] What Cicero refers to in this paſſage, was this: Rome was alarmed by the rumor of a plot againſt Pompey's life, ſaid to be contrived by

even then, filthy Cæſonian, thou didſt not emerge from the vile ſink of thy nature, when a moſt illuſtrious Roman at laſt rouſing his courage, recalled his ſincere friend, and a worthy patriot reſumed his former ſpirit, and would not any longer ſuffer your wickedneſs to commit ravages in a ſtate, which he by his victories had adorned and enlarged; tho' at that time even Gabinius, whom you alone ſurpaſs in villainy, bad as he is, recovered himſelf; it was with difficulty, indeed, however he recovered himſelf, and acted for Cn. Pompey againſt his beloved Clodius at firſt in appearance only, afterwards faintly, but at laſt honeſtly and vigorouſly. At the ſight of this encounter, the Roman people ſhewed great moderation: for like a maſter of gladiators, the match being equal, they conſidered themſelves as ſure of gaining by the fall of either; and if both ſhould fall, their gain, they thought, would be immortal. Still however Gabinius did ſomething; he defended the authority of a very great man; he was indeed himſelf an abandoned fellow, a gladiator; but he was matched with one who was equally ſo. But you, a perſon of ſcrupulous integrity, no doubt, would not break the league, which, in the convention for the provinces, you had ſealed with my blood. For that inceſtuous adulterer Clodius had bargained for your ſupport and aſſiſtance in all his wicked ſchemes, on the condition of his giving you a province, an army, and money torn from the bowels of the republic. Accordingly, in the tumult which enſued, his faſces were broke, himſelf wounded; nothing was to be ſeen daily but arms, violence, and flight; at laſt one was ſeized in arms near the ſenate-houſe, and it appeared plainly he was poſted there to murder Pompey.

SECT. XIII. Upon that occaſion, whoever heard of any action or remonſtrance of yours, nay whoever heard you ſpeak or complain? Do you ſuppoſe yourſelf to have been a conſul, when under your adminiſtration, the man who had ſaved the ſtate, and the authority of the ſenate could not be ſafe in Italy; nor he, who by three triumphs had united all the nations of the earth under the Roman power, ſafe to appear in public? Were ye conſuls at a time, when the very moment ye began to ſpeak upon any affair, or to propoſe any thing to the ſenate, the whole aſſembly oppoſed you, and

NOTES.

by Clodius; one of whoſe ſlaves was ſeized at the door of the ſenate, with a dagger, which his maſter had given him, as he confeſſed, to ſtab Pompey. Many daring attacks too having been made on Pompey's perſon by Clodius's mob, he retired from the ſenate and the forum, till Clodius was out of his tribunate, and ſhut himſelf up in his own houſe, whither he was ſtill purſued and actually beſieged by Damio, one of Clodius's freed-men. So audacious an outrage as this could not be overlooked by the magiſtrates, who came out with all their forces to ſeize or drive away Damio; upon which a general engagement enſued, and Gabinius was forced to break his league with Clodius, and fight for Pompey.

quanquam fœdere obſtricti tenebamini, tamen cupere vos diceretis, ſed lege impediri? quæ lex privatis hominibus eſſe lex non videbatur, inuſta per ſervos, inciſa per vim, impoſita per latrocinium, ſublato Senatu, pulſis è foro bonis omnibus, capta republica, contra omnes leges, nullo ſcripta more: hanc qui ſe metuere dicerent, conſules, non dicam animi hominum, ſed faſti ulli ferre poſſunt? Nam ſi illam legem non putabatis, quæ erat contra omnes leges, indemnati civis, atque integri capitis, bonorumque tribunitia proſcriptio; hæc tamen obſtricti pactione tenebamini: quis vos non modo conſules, ſed liberos fuiſſe putet, quorum mens fuerit oppreſſa præmio, lingua adſtricta mercede? ſin illam vos ſoli legem putabatis, quiſquam vos conſules tunc fuiſſe, aut nunc eſſe conſulares putet, qui ejus civitatis, in qua in principum numero vultis eſſe, non leges, non inſtituta, non mores, non jura noritis? An, (23.) cum proficiſcebamini paludati in provincias vel emptas, vel ereptas, conſules vos quiſquam putavit? Itaque credo, ſi minus frequentia ſua veſtrum egreſſum ornando, atque celebrando; at ominibus ſaltem bonis, ut conſules, non triſtiſſimis, ut hoſtes, aut proditores proſequebantur.

XIV. Tu ne etiam immaniſſimum ac fœdiſſimum monſtrum, auſus es meum diſceſſum illum, teſtem ſceleris & crudelitatis tuæ, maledicti & contumeliæ loco ponere? Quo quidem tempore cepi, P. C. fructum immortalem veſtri in me & amoris, & judicii; qui non admurmuratione, ſed voce & clamore, abjecti hominis & ſemivivi furorem petulantiamque fregiſtis. Tu luctum Senatus, tu deſiderium equeſtris ordinis, tu ſqualorem Italiæ, tu curiæ taciturnitatem annuam, tu ſilentium perpetuum judiciorum ac fori, tu cætera illa in maledicti loco pones, quæ meus diſceſſus reipublicæ vulnera inflixit? qui ſi calamitoſiſſimus fuiſſet, tamen miſericordia dignior, quàm contumelia; & cum gloria potius eſſe conjunctus, quàm cum probro putaretur: atque ille, dolor meus duntaxat, veſtrum quidem ſcelus ac dedecus haberetur. Cum vero (forſitan hoc quod dicturus ſum, mirabile auditu eſſe videatur; ſed certè id dicam, quod ſentio) cùm tantis à vobis, P. C. beneficiis affectus ſim, tantis honoribus;

NOTES.

(23.) *Cum proficiſcebamini paludati in provincias.*] It was uſual for the Roman magiſtrates, before they ſet out for their provinces, to go and pay their devotions in the capitol, after which they began their march out of the city, habited in a rich paludamentum, which was a robe of purple or ſcarlet, interwoven with gold, and were generally accompanied with a vaſt retinue of all ſexes and ages.

and declared that no buſineſs ſhould be done, till the queſtion was put concerning my return? Were ye conſuls, when ye ſaid, though held faſt by your convention, that you wiſhed my return, but that you were bound up by law? Is it poſſible that men, nay that the public annals, can endure the conſuls, who give out that they are afraid of a law, which did not ſeem to bind private perſons; a law, with which ſlaves have branded the republic, which violence has engraved, which robbers have impoſed, when the authority of the ſenate was aboliſhed, when every worthy citizen was driven from the forum, when the ſtate was in captivity; a law, in a word, in contradiction to every other law, and paſſed without any of the uſual forms? For if you did not think that a law, which contradicted all laws, being only a tribunitian proſcription of the perſon and eſtate of a free and uncondemned citizen, and yet were held faſt by this convention; who can reckon you not only conſuls, but even freemen, whoſe ſouls were enſlaved by corruption, and your tongues tied up by lucre? But if you were the only perſons that thought it a law, who can think that you were then conſuls, or are now conſular, when you are ignorant of the laws, the inſtitutions, the manners, and rights of a ſtate, where you want to be reckoned amongſt its principal citizens? When you ſet out in your military robes for the provinces, which you had either bought or extorted, did any one conſider you as conſuls? and thoſe who accompanied you to do you honour at your departure, tho' their number was but ſmall, yet they attended you, no doubt, with good wiſhes as uſual to conſuls, and not with ſuch imprecations as are beſtowed on enemies and traitors.

SECT. XIV. And ſhalt thou, baſe and barbarous monſter, dare to reproach me with my departure, that proof of thy guilt and cruelty? Then it was, conſcript fathers, that I received the immortal proofs of your love and regard for me, when you checked the fury and petulance of that abject half-dead wretch, not by murmurs, but loud acclamations. Doſt thou reproach me with the grief of the ſenate, the ſorrow of the equeſtrian order, the mourning of Italy; with the ſenators having thrown up all public concerns for the ſpace of a whole year, with the continued ſilence of our courts and forum, and all the other wounds given the ſtate by my departure? Allowing it to have been unfortunate, it was ſtill more worthy of compaſſion than reproach; rather to be accounted glorious, than infamous; and what was only an affliction to me, covered you with guilt and infamy. What I am going to ſay will perhaps appear ſomewhat ſtrange, but I ſhall always ſpeak what I think; ſince then, conſcript fathers, I have been ſo highly favoured and honoured by you, I am ſo far from looking upon my departure as a calamity,

noribus; non modo illam calamitatem esse non duco: sed, si quid mihi potest à repub. esse sejunctum, quod vix potest, privatim ad meum nomen augendum, optandam duco mihi fuisse illam expetendamque fortunam. Atque ut tuum lætissimum diem cum tristissimo meo conferam, utrum tandem bono viro & sapienti optabilius putas, sic exire è patria, ut omnes sui cives salutem, incolumitatem, reditum precentur, quod mihi accidit: an, quod tibi proficiscenti evenit, ut omnes exsecrarentur, male precarentur, unam tibi illam viam, & perpetuam esse vellent? mihi, medius fidius, in tanto omnium mortalium odio, justo præsertim & debito, quævis fuga, potius quàm ulla provincia esset optatior.

XV. Sed perge porro: nam si illud meum turbulentissimum tempus profectionis tuo tranquillissimo præstat, quid conferam reliqua, quæ in te dedecoris plena fuerunt, in me dignitatis? Me Kalendis Januar. (24.) qui dies, post obitum occasumque nostrum, reipublicæ primus illuxit, frequentissimus Senatus, concursu Italiæ, referente clarissimo atque fortissimo viro P. Lentulo, consentiente populo Romano, atque una voce revocavit; me idem Senatus exteris nationibus, me legatis magistratibusque nostris auctoritate sua, consularibus literis, non, ut tu Insuber dicere ausus es, orbatum patria, sed ut Senatus illo ipso tempore appellavit, civem conservatorem reipublicæ commendavit; ad meam unius salutem Senatus auxilium omnium civium cuncta ex Italia, qui rempub. salvam esse vellent, Consulis voce & literis implorandum putavit; mei capitis servandi causa Romam uno tempore, quasi signo dato, Italia tota convenit; de mea salute P. Lentuli, præstantissimi viri, atque optimi Consulis Cn. Pompeii, clarissimi atque invictissimi civis, cæterorumque principum civitatis, celeberrimæ & gratissimæ conciones fuerunt; de me Senatus ita decrevit, Cn. Pompeio auctore & ejus sententiæ principe, UT, SI QUIS IMPEDISSET REDITUM MEUM, IN HOSTIUM NUMERO PUTARETUR: iisque verbis ea de me Senatus auctoritas declarata est, ut nemini sit triumphus honorificentiùs, quam mihi salus restitutioque perscripta. De me, cum omnes magistratus promulgassent, præter unum Prætorem, à quo non fuit postulandum, fratrem inimici mei, (25.) præterque duos de lapide emptos tribunos plebis, legem comitiis centuriatis tulit P. Lentulus Consul de collegæ Q. Metelli sententia: quem mecum eadem respublica, quæ in tribunatu ejus disjunxerat, in consulatu virtute optimi

NOTES.

(24.) *Qui dies, post obitum occasumque nostrum, reipublicæ primus illuxit.*] Cicero, who embraces every opportunity of displaying his own importance, represents himself, in this passage, as a bright luminary of the state; which, during his exile, was involved in darkness.

(25.) *Præterque duos de lapide emptos tribunos plebis.*] These tribunes were Sex. Atilius Serranus, and Num. Quinctius: *de lapide emptos*, is said in allusion to the manner of selling slaves.

that it ſeems to me to have been an event to be wiſhed for, and greatly deſired for the increaſe of my perſonal glory, if indeed I can have any glory, as I ſcarce can, ſeparate from that of the ſtate. But to compare the day of my greateſt ſorrow with that of your greateſt joy, which do you think a wiſe and good man would prefer, to leave his country as I did, with the prayers of all his countrymen for his ſafety, welfare and return; or, as happened to you upon ſetting out for your province, to have the curſes and imprecations of all, and their wiſhes that that journey might be your laſt? By Jove, had I incurred ſuch univerſal hatred, eſpecially ſuch juſt and deſerved hatred, I ſhould have preferred flight at any rate, to any province whatever.

SECT. XV. But, to proceed: If my departure, which was the moſt tempeſtuous period of my life, be preferable to your calmeſt days, what compariſon will the reſt admit of, ſo full of infamy to you, and of dignity to me? On the kalends of January, the firſt day that ſhone upon the ſtate after my eclipſe and fall, when all Italy flocked together, a full ſenate, with the aſſent of the Roman people, unanimouſly recalled me, upon a motion made by that renowned and brave citizen P. Lentulus. The ſame ſenate, by its own authority, recommended me, in conſular letters, to foreign nations, to our lieutenants and magiſtrates; not as one baniſhed from his country, as you, Inſubrian, uſed to expreſs yourſelf, but, to uſe their own language, as a citizen, and the ſaviour of the ſtate. For my preſervation alone the ſenate thought proper, by the voice and letters of a conſul, to implore the aſſiſtance of our fellow-citizens throughout all Italy, who were concerned for the public welfare. To ſave my life, all Italy flocked to Rome, at one and the ſame time, as if upon an appointed ſignal. For my ſafety many and weighty were the harangues of P. Lentulus, that worthy man and excellent conſul; of Cn. Pompey, that renowned and invincible Roman; and of the other leading men in the ſtate. The ſenate decreed, upon a motion firſt made by Pompey, that whoever obſtructed my return ſhould be reckoned an enemy to the ſtate; and in ſuch words was the authority of the ſenate expreſſed in regard to me, that never was a triumph declared to any perſon in more honourable terms, than thoſe wherein my ſafety and reſtoration were conceived. When all the magiſtrates had publiſhed the bill for my return, excepting one prætor, from whom it could not be expected, as he was brother to my enemy; and two tribunes of the people, who were bought at common auction, P. Lentulus, the conſul, propoſed the law in the comitia by centuries, with the conſent of his collegue Q. Metellus, whom the intereſts of the ſtate, which had ſet us at variance in his tribuneſhip, united with me in his conſulſhip,

timi ac juſtiſſimi viri, ſapientiaque conjunxit. Quæ lex quemadmodum accepta ſit, quid me attinet dicere? ex vobis audio, nemini civi ullam, quo minus adeſſet, ſatis juſtam excuſationem eſſe viſam: nullis comitiis unquam, multitudinem hominum tantam, neque ſplendidiorem fuiſſe: hoc certe video, quod indicant tabulæ publicæ, vos rogatores, vos diribitores, vos cuſtodes fuiſſe tabularum: &, quod in honoribus veſtrorum propinquorum non facitis, vel ætatis excuſatione, vel honoris, id in ſalute mea, nullo rogante, vos veſtra ſponte feciſtis.

XVI. Confer nunc, Epicure noſter, ex hara producte, non ex ſchola, confer, ſi audes, abſentiam tuam cum mea. Obtinuiſti provinciam conſularem finibus iis, quos lex cupiditatis tuæ, non quos lex generi tui pepigerat; (26.) nam lege Cæſaris juſtiſſima atque optima, populi liberi, plane & vere erant liberi: lege autem ea, quam nemo legem, præter te & collegam tuum, putavit, omnis erat tibi Achaia, Theſſalia, Athenæ, cuncta Græcia addicta; habebas exercitum tantum, quantum tibi non Senatus, aut populus Romanus dederat, ſed quantum tua libido conſcripſerat; ærarium exhauſeras. Quas res geſſiſti imperio, exercitu, provincia conſulari? quas res geſſerit, quæro? qui ut venit ſtatim, nondum commemoro rapinas, nondum exactas pecunias, non captas, non imperatas, non neces ſociorum, non cædem hoſpitum, non perfidiam, non immanitatem, non ſcelera prædico: mox, ſi videbitur, ut cum fure, ut cum ſacrilego, ut cum ſicario diſputabo: nunc meam ſpoliatam fortunam conferam cum florente fortuna imperatoris; quis unquam provinciam cum exercitu obtinuit, qui nullas ad Senatum literas miſerit? tantam vero provinciam cum tanto exercitu, Macedoniam præſertim, quam tantæ barbarorum gentes attingunt, ut ſemper Macedonicis imperatoribus iidem fines provinciæ fuerint, qui gladiorum atque pilorum: ex qua aliquot prætorio imperio, conſulari quidem nemo rediit, qui incolumis fuerit, qui non triumpharit? eſt hoc novum: multo illud magis; appellatus eſt hic vulturius illius provinciæ (ſi diis placet) Imperator.

XVII. (27.) Ne tum quidem, Paulle noſter, tabulas Romam cum laurea mittere audebas? miſ, inquit; quis unquam recitavit? quis, ut recitarentur, poſtulavit? nihil enim mea jam refert, utrum tu, conſcientia

NOTES.

(26.) *Nam lege Cæſaris juſtiſſima atque optima, populi liberi, plane & vere erant liberi.*] The law here referred to, was that made by Cæſar in his conſulſhip, in the year of Rome 694; whereby Achaia, Theſſaly, and all Greece were left entirely free.

(27.) *Ne tum quidem, Paulle noſter.*] L. Æmilius Paulus obtained a compleat victory over Macedonia, in the year of Rome 585; and as Piſo had Macedonia for his province, and conducted himſelf in it ſo inglorioufly, Cicero, by way of deriſion, calls him Paulus.

ſulſhip, by means of the courage and wiſdom of that excellent perſon. In what manner this law was received, it is needleſs for me to mention. I learn from yourſelves that no citizen was allowed to be abſent upon any pretence whatever; that a greater or more ſplendid appearance was never ſeen at any comitia. This I myſelf know, for I find it in the public regiſters, that you ſolicited for me, that you diſtributed the tablets, that you took care to prevent any fraud in collecting the votes; and that, for my ſafety, you did, of your own accord, without any ſolicitation, what your age and dignity exempt you from, even when your kinſmen are candidates for public honours.

SECT. XVI. Compare now, thou Epicurean, brought from the ſtye, not from the ſchool; compare, if thou dareſt, thy abſence with mine. You obtained a conſular province under ſuch regulations as were preſcribed by your ambition, not ſuch as were fixed by your ſon-in-law; for by that juſt and excellent law of Cæſar, free nations enjoyed their liberty in the ſtrict and proper ſenſe, but by that law, which none beſides you and your collegue ever thought a law, all Achaia, Theſſaly, Athens and Greece, was given up to you. You had an army, not ſuch as the ſenate and people of Rome gave you, but ſuch as your ambition could raiſe. The treaſury too was exhauſted by you.—What exploits did you perform in this command, with this army, with this conſular province? Do I aſk what exploits he performed? No ſooner was he arrived—I ſhall not yet mention his rapines, the money he extorted, took, or exacted, the execution of our allies, the murder of thoſe who entertained him, his perfidy, barbarity, and crimes; by and by, if you think proper, I ſhall diſpute with him, as with a thief, as with one guilty of ſacrilege, as with a cut-throat; at preſent I ſhall confine myſelf to compare the ruins of my fortune with the ſplendor of his imperial command. Who ever obtained the government of a province, with an army, that did not ſend letters to the ſenate? Such a province too, and ſuch an army, eſpecially ſuch a province as Macedon, which is ſurrounded with ſo many barbarous nations, that our Macedonian governors have never had any other barrier to it, but that of ſwords and javelins; a province, from which few perſons of prætorian dignity have returned without a triumph; and none of conſular dignity, whoſe honour was without a ſtain. This is ſomething uncommon; but what is ſtill more ſo, this vulture of Macedon had the title of emperor forſooth.

SECT. XVII. Did you, even then, my Paulus, preſume to ſend letters to Rome, wrapt in laurel? He ſays he did. Who ever read them? Who moved, that they ſhould be read? For it ſignifies nothing

conſcientia oppreſſus ſcelerum tuorum, nihil unquam auſus ſis ſcribere ad eum ordinem, quem deſpexeras, quem afflixeras, quem deleveras: an amici tui tabulas abdiderint, iidemque ſilentio ſuo temeritatem atque audaciam tuam condemnarint. Atque haud ſcio, an malim te videri nullo pudore fuiſſe in litteris mittendis, [an] amicos tuos plus habuiſſe & pudoris & conſilii, quam aut te videri pudentiorem fuiſſe, quam ſoles, aut tuum factum non eſſe condemnatum judicio amicorum. Quod ſi non tuis nefariis in hunc ordinem contumeliis in perpetuum tibi curiam præcluſiſſes; quid tandem erat actum, aut geſtum in illa provincia, de quo ad Senatum cum gratulatione aliqua ſcribi abs te oporteret? vexatio Macedoniæ? an oppidorum turpis amiſſio? an ſociorum direptio? an agrorum depopulatio? (28.) an munitio Theſſalonicæ? an obſeſſio militaris viæ? an exercitus noſtri interitus, ferro, fame, frigore, peſtilentia? Tu vero, qui ad Senatum nihil ſcripſeris, ut in urbe nequior inventus es, quam Gabinius, ſic in provincia paullo tamen quam ille demiſſior; nam ille gurges atque heluo, natus abdomini ſuo, non laudi atque gloriæ, cum equites Rom. in provincia, cum publicanos nobiſcum & voluntate & dignitate conjunctos, omnes fortunis, multos fama vitaque privaſſet; cum egiſſet aliud nihil illo exercitu, niſi ut urbes depopularetur, agros vaſtaret, exhauriret domos; auſus eſt (quid enim ille non auderet?) à Senatu ſupplicationem per literas poſtulare.

XVIII. O dii immortales! tune etiam, atque adeo vos, geminæ voragines ſcopulique reipublicæ, vos meam fortunam deprimitis? veſtram extollitis? cum de me ea ſenatuſconſulta abſente facta ſint, eæ conciones habitæ, is motus fuerit municipiorum, & coloniarum omnium, ea decreta publicanorum, ea collegiorum, ea denique generum ordinumque omnium, quæ ego non modo optare nunquam auderem, ſed cogitare non poſſem: vos autem ſempiternas fœdiſſimæ turpitudinis notas ſubieritis. An ego, ſi te, & Gabinium cruci ſuffixos viderem, majore afficerer lætitia ex corporis veſtri laceratione, quam afficior ex famæ? nullum eſt ſupplicium putandum, quo affici caſu aliquo etiam boni viri forteſque poſſunt. Atque hoc quidem etiam iſti tui dicunt voluptarii Græci: quos utinam ita audires, ut erant audiendi: nunquam te in tot flagitia ingurgitaſſes; verùm audis

NOTES.

(28.) *An munitio Theſſalonicæ? an obſeſſio militaris viæ?*] This is further explained by our author in his oration *de Prov. Conſ.* His words are as follow: 'Macedonia quæ erat antea munita plurimorum imperatorum non turribus, ſed tropæis; quæ multis victoriis erat jamdiu, triumphiſque pacata; ſic a Barbaris, quibus eſt propter avaritiam pax erepta, vexatur, ut Theſſalonicenſes, poſiti in gremio imperii noſtri, relinquere oppidum, et arcem munire cogantur: ut via illa noſtra, quæ per Macedoniam eſt uſque ad Helleſpontum militaris, non ſolum excurſionibus barbarorum ſit infeſta, ſed etiam caſtris Threciis diſtincta, ac notata.'

hing to me at preſent, whether ſtung by a ſenſe of your crimes ou never preſumed to write to that body, which you had ſlighted, vhich you had perſecuted, which you had aboliſhed; or whether our friends concealed your letters, and thus by their ſilence con-demned your raſhneſs and impudence. And indeed I know not, whether I had rather you ſhould ſeem void of all ſenſe of ſhame in ending letters, and that your friends ſhould be perſons of more mo-deſty and judgment, or that you ſhould ſeem more modeſt than uſual, and your conduct be uncondemned by your friends. But ſuppoſing you had not, by your cruel outrages againſt the ſenate, cut yourſelf off for ever from all favour with it, what was done in that province upon which you could write to it with any manner of congratulation? Was it the haraſſing of Macedon? the ſhameful loſs of towns? the plundering of our allies? the laying waſte their lands? the fortifying Theſſalonica? the blockade of our military cauſeway? the deſtruction of our army by the ſword, by famine, by cold, and by peſtilence? Your writing nothing to the ſenate ſhews only, that as you was more wicked in Rome than Gabinius, you was ſomewhat more modeſt in your province than he. For that rioter, born for his belly only, and not for glory and honour, after having deprived the Roman knights in his province, and the farmers of the cuſtoms, united with us both in inclination and dignity, all of them of their fortunes, and ſome of them of their reputation and lives; after having done nothing with his army but plundered cities, laid waſte lands, and pillaged houſes, had the impudence (and in-deed what is it he has not the impudence to do) to petition the ſe-nate, by letters, for a ſupplication.

SECT. XVIII. Immortal gods! and ſhalt thou, ſhall you, ye twin whirlpools and rocks of the ſtate, decry my fortune, and ex-tol your own? You who have borne the indelible marks of the foul-eſt infamy, whilſt ſuch decrees of the ſenate were paſſed concerning me, even in my abſence, ſuch aſſemblies were held, ſuch commo-tions happened among all our municipal cities and colonies, ſuch reſolutions were made by the farmers of the revenue, by the col-leges; and, in a word, by all ranks and conditions of men, as I not only durſt never have wiſhed for, but could not even have con-ceived. Were I to ſee thee and thy collegue Gabinius faſtened to a croſs, would the ſight of your mangled bodies give me greater pleaſure, than I feel from the loſs of your reputation? Nothing is to be deemed a puniſhment, which, by ſome accident or other, may happen even to the brave and virtuous. And this is the doc-trine even of your men of pleaſure, among the Greeks; whom I wiſh you had heard, as they ought to have been heard, you would never, in that caſe, have plunged into ſuch an abyſs of crimes. But

you

audis in præſæpibus, audis in ſtupris, audis in cibo & vino; ſed dicunt ipſi, qui mala dolore, bona voluptate definiunt, ſapientem, (29.) etiam ſi in Phalaridis tauro incluſus ſuccenſis ignibus torreatur, dicturum tamen ſuave illud eſſe ſeſeque ne tantulum quidem commoveri, tantam virtutis eſſe vim voluerunt, ut non poſſet unquam eſſe vir bonus non beatus; quæ eſt igitur pœna? quod ſupplicium? id, mea ſententia, quod accidere nemini poteſt, niſi nocenti; ſuſcepta fraus, impedita & oppreſſa mens conſcientiâ, bonorum odium, nota inuſta à Senatu, amiſſio dignitatis.

XIX. Nec mihi ille (30.) M. Regulus, quem Carthaginienſes, reſectis palpebris, illigatum in machina vigilando necaverunt, ſupplicio videtur affectus: nec C. Marius, quem Italia ſervata ab illo, demerſum in Minturnenſium paludibus; Africa devicta ab eodem expulſum & naufragum vidit; fortunæ enim iſta tela ſunt, non culpæ: ſupplicium autem eſt pœna peccati; neque verò ego ſi unquam vobis mala precarer, quod ſæpe feci, in quo dii immortales meas preces audiverunt, morbum, aut mortem, aut cruciatum precarer. Thyeſtea iſta exſecratio eſt poetæ, vulgi animos, non ſapientum moventis: (31.) *Ut tu naufragio expulſus, uſpiam ſaxis fixus aſperis, Eviſceratus latere penderes* [ut ait ille] *ſaxa ſpargens tabo, Sanie & ſanguine atro.* Non ferrem omnino moleſtè, ſi ita accidiſſet: ſed id tamen eſſet humanum. (32.) M. Marcellus, qui ter Conſul fuit, ſumma virtute, pietate, gloria militari, periit in mari: qui tamen ob virtutem gloria & laude vivit; in fortuna quadam eſt illa

NOTES.

(29.) *Etiam ſi in Phalaridis tauro incluſus ſuccenſis ignibus torreatur.*] Phalaris was a cruel tyrant of Agrigentum, famous for ſhutting up men in a brazen bull, and putting fire under it. This engine of cruelty was made by one Perillus, who thought it would be a welcome preſent to Phalaris; and is ſaid to have been ordered by the tyrant to be firſt ſhut into it, in order to prove his own work.

(30.) *M. Regulus, quem Carthaginienſes, reſectis palpebris, illigatum in machina vigilando necaverunt.*] M. Attilius Regulus was conſul in the ninth year of the firſt Punic war, and defeated the Carthaginians in the memorable ſea-fight of Ecnomus; after which he made a deſcent upon Africa, and puſhed on his conqueſts with prodigious rapidity. But Xantippus, a commander of Greek mercenaries in the ſervice of the Carthaginians, by his excellent advice and conduct, gave a wonderful turn to affairs in Africa, totally defeated the Roman army, and took Regulus himſelf priſoner. The Carthaginians, however, being vanquiſhed in a ſea-engagement on the coaſt of Africa, and having received a ſignal overthrow at land near Panormus, began to think ſeriouſly of an accommodation, and ſent Regulus to Rome with ſome ambaſſadors to negotiate a peace; having firſt taken an oath of him to return to Carthage, in caſe there ſhould neither be peace nor an exchange of priſoners. Upon his arrival at Rome, he adviſed the ſenate to refuſe the Carthaginian ambaſſadors both peace and an exchange of priſoners, for which, at his return into Africa, he was cruelly put to death. Authors, however, are not agreed concerning the particular kind of torment they made him undergo; the moſt current opinion is, that they cut off or ſewed back his eye-lids, and then bringing him out of a dark dungeon, expoſed him to the ſun at mid-day; that after this they ſhut him up in a kind of cheſt or preſs ſtuck full on the inſide with iron ſpikes, and there left him to die in torment. This account of the cruel revenge which the Carthaginians took of Regulus after his return to Carthage, is found in many of the beſt Roman authors,

you hear them in your ſtews; you hear them amidſt your debaucheries; you hear them in your feaſts and over your bottle: even thoſe who define evil by pain, and good by pleaſure, give out that a wiſe man, tho' he were ſhut up in the bull of Phalaris, and broiled with flames applied to it, would ſtill declare that his condition was agreeable, and that he was not in the leaſt moved: Such, they alledge, is the power of virtue, that it is impoſſible for a good man not to be happy. What then is pain? what is puniſhment? It is, in my opinion, what can happen to none but the guilty; premeditated villainy; the pangs and horrors of remorſe; the hatred of all the virtuous; a mark of infamy inflicted by the ſenate; the loſs of dignity.

SECT. XIX. To me neither M. Regulus, whom the Carthaginians, after having cut off his eye-lids, and ſhut him up bound in a cheſt, killed by keeping him from ſleep, ſeems to have ſuffered puniſhment; nor C. Marius, whom Italy, which he had ſaved, ſaw ſunk in the marſhes of Minturnæ, and Africa, which he had ſubdued, ſaw baniſhed and ſhipwrecked. For theſe are the blows of fortune, not the conſequences of guilt; but puniſhment is ſuffering for crimes. Nor would I, were I to imprecate evils upon you, as I have often done, when the gods have heard me, pray for diſeaſes, death, or tortures. That imprecation of Thyeſtes is only an art of the poet to move the minds of the vulgar, not thoſe of the wiſe: *May you, after being ſhipwrecked, hang by your ſide, with your bowels dropping out, upon the flinty rocks, beſmearing them with blood and gore.* Had ſuch a thing happened to you, I ſhould not have been concerned at it; but this is what may befal any man. M. Marcellus, who was thrice conſul, and eminent for his virtue, piety, and abilities in war, periſhed on the ſea; yet he ſtill lives in the annals of fame, crowned with glory. Such a death is to be deemed an accident, not a penalty. What then is ſuffering? what is puniſhment? what are the pointed rocks? what is the croſs? Behold two commanders

NOTES.

thors, and is not expreſsly contradicted by any ancient writer; notwithſtanding this, Mr. Hooke, in the ſecond volume of his Roman Hiſtory, adduces ſome reaſons againſt the truth of it; which, he thinks, may excuſe our incredulity, ſhould we look upon it as a mere fiction.

(31.) *Ut tu naufragio expulſus.*] This is a paſſage from the Thyeſtes of Ennius.

(32.) *M. Marcellus, qui ter conſul fuit.*] This was not the famous Marcellus, who conquered Syracuſe, but his grandſon; who was ſhipwrecked in Africk, ſoon after the beginning of the third Punic war. Aſconius gives us an anecdote concerning him, which we ſhall here tranſcribe: 'Hic autem Marcellus, *ſays he*, cum ſtatuas ſibi ac patri, itemque avo poneret in monumentis avi ſui ad honoris et virtutis ædem, ſubſcripſit, *III. Marcelli novies Coſſ.* Fuerat autem avus quinquies, pater ſemel, ipſe ter. Itaque neque mentitus, et apud imperitiores patris ſui ſplendorem auxit.'

illa mors non in pœna, putanda. Quæ eſt igitur pœna? quod ſupplicium? quæ ſaxa? quæ cruces? Ecce duos duces in provinciis populi Rom. habere exercitus, appellari imperatores; horum alterum ſic fuiſſe infirmatum conſcientia ſcelerum & fraudum ſuarum, ut ex ea provincia, quæ fuerit ex omnibus una maxime triumphalis, nullas ſit ad Senatum literas mittere auſus; ex qua provincia modo vir omni dignitate ornatiſſimus L. Torquatus, magnis rebus geſtis, me referente, abſens imperator eſt appellatus: unde his paucis annis Cn. Dolabellæ, C. Curionis, M. Luculli juſtiſſimos triumphos vidimus, ex ea, te imperatore, nuntius ad Senatum allatus eſt nullus; ab altero allatæ literæ, recitatæ, relatum ad Senatum. Dii immortales! idne ego optarem, ut inimicus meus, ea, qua nemo unquam, ignominia notaretur? ut Senatus is, qui in eam jam benignitatis conſuetudinem venit, ut eos, qui bene rempublicam geſſerint, novis honoribus afficiat, & numero dierum, & genere verborum; hujus unius literis nuntiantibus non crederet? poſtulantibus denegaret?

XX. His ego rebus paſcor, his delector, his perfruor: quod de vobis hic ordo opinatur non ſecus, ac de teterrimis hoſtibus: quod vos equites Rom. quod cæteri ordines, quod cuncta civitas odit: quod nemo bonus nemo denique civis eſt, qui modo ſe civem eſſe meminerit, qui vos non oculis fugiat, auribus reſpuat, animo aſpernetur, recordatione denique ipſa conſulatus veſtri perhorreſcat. Hæc ego ſemper de vobis expetivi, hæc optavi, hæc præcatus ſum; plura etiam acciderunt, quam vellem; nam ut amitteretis exercitum, nunquam, mehercule, optavi. Illud etiam accidit præter optatum meum, ſed valde ex voluntate; mihi enim non venerat in mentem, furorem & inſaniam optare vobis, in quam incidiſtis: atqui fuit optandum; me tamen fugerat, deorum immortalium has eſſe in impios & conſceleratos pœnas certiſſimas conſtitutas. Nolite enim putare, P. C. ut in ſcena videtis, homines conſceleratos impulſu deorum terreri furiarum tædis ardentibus: ſua quemque fraus, ſuum facinus, ſuum ſcelus, ſua audacia de ſanitate ac mente deturbat; hæ ſunt impiorum furiæ, hæ flammæ, hæ faces. Ego te non vecordem, non furioſum, non mente captum, (33.) non tragico illo Oreſte, aut Athamante

NOTES.

(33.) *Non tragico illo Oreſte, aut Athamante dementiorem.*] Oreſtes was the ſon of Agamemnon and Clytemneſtra. He is ſaid to have killed his own mother and Ægiſthus her adulterer, who had murdered his father. Athamas was the ſon of Æolus, and king of Theſſaly: He had two children by his wife Nephele, after whoſe death he married Ino the daughter of Cadmus, who treated her ſtep-children ſo ill, that Juno, to puniſh her, made her huſband run mad.

manders in the provinces of the Roman people, at the head of armies, with the title of emperors; yet one of theſe was ſo ſtruck with the ſenſe of his guilt and crimes, that he did not even dare to ſend a letter to the ſenate, from a province too, of all others the moſt fertile in triumphs. It is but lately that L. Torquatus, a man of the moſt diſtinguiſhed merit, was, at my inſtance, ſaluted emperor from this province, on account of his glorious actions; from it too, within theſe few years, we have ſeen the well-won triumphs of Cn. Dolabella, C. Curio, and M. Lucullus; and yet from this province, during your command in it, not ſo much as a meſſenger was ſent to the ſenate. From Gabinius letters were brought, they were read too, and a motion made upon them in the ſenate. Immortal gods! could I even have wiſhed my enemy to be marked with ſuch infamy as none but himſelf ever ſuffered? That the ſenate, who are now got into ſuch a habit of generoſity as to beſtow new honours on thoſe who have conducted themſelves well in the adminiſtration of public affairs, both by increaſing the number of thankſgiving days, and by peculiar terms of reſpect, that the ſenate, I ſay, ſhould not believe what was contained in the letters of this fellow alone? Should deny what he requeſted in them?

SECT. XX. What gives me the greateſt pleaſure, delight and ſatisfaction is, that this order think no otherwiſe of you than they do of their moſt inveterate enemies; that you are hated by the Roman knights, by the other orders, and by the whole ſtate; that there is not a worthy man, not a ſingle citizen, provided he remembers he is ſuch, whoſe eyes do not ſhun you, whoſe ears are not offended with the very mention of your names, whoſe ſoul does not abhor you, and who is not ſhocked even at the remembrance of your conſulſhip. This is what I always wiſhed might befal you, what I always deſired, what I always prayed for. Nay, more has befallen you, than I could have wiſhed; for that you ſhould loſe your army, I certainly never wiſhed: this too happened beſides my wiſhes, tho' very agreeably to my inclination. For it did not enter into my thoughts to wiſh you ſhould fall into that phrenzy and madneſs into which you did fall; tho' this I ſhould have wiſhed for. But it had eſcaped me, that ſuch is the puniſhment irrevocably ordained by the immortal gods againſt the impious and the guilty. For you muſt not imagine, Conſcript Fathers, that the wicked, as you ſee in theatrical repreſentations, are haunted by the blazing torches of furies, ſent by the gods as inſtruments of their vengeance. It is perſonal villainy, perſonal guilt, perſonal crimes and preſumption, that rob men of the uſe of reaſon and ſoundneſs of judgment. Theſe are the furies, theſe the flames, theſe the torches of the wicked. Am not I to look upon you as a madman, as a fury, as one that has

thamante dementiorem putem, qui ſis auſus primùm facere (nam id eſt caput,) deinde paullo ante, Torquato, graviſſimo & ſanctiſſimo viro premente, confiteri, te provinciam Macedoniam, in quam tantum exercitum tranſportaſſes, ſine ullo milite reliquiſſe? Mitto de amiſſa maxima parte exercitus: ſit hoc infelicitatis tuæ; dimittendi verò exercitus quam potes afferre cauſam; quam poteſtatem habuiſti? quam legem? quod ſenatuſconſultum? quod jus? quod exemplum? quid eſt aliud furere, niſi non cognoſcere homines, non cognoſcere leges, non Senatum, non civitatem? cruentare corpus ſuum leve eſt, major hæc eſt vitæ, famæ, ſalutis ſuæ vulneratio; ſi familiam tuam dimiſiſſes, quod ad neminem, niſi ad ipſum te, pertineret, amici te tui conſtringendum putarent: præſidium tu reipublicæ, cuſtodiam provinciæ, injuſſu populi ſenatuſque dimiſiſſes, ſi tuæ mentis compos fuiſſes?

XXI. Ecce tibi alter, effuſa jam maxima præda, quam ex fortunis publicanorum, ex agris urbibuſque ſociorum exhauſerat, cum partim ejus prædæ profundæ libidines devoraſſent, partim nova quædam & inaudita luxuries, partim etiam in illis locis, ubi omnia diripuit, emptiones, partim permutationes, ad hunc Tuſculani montem exſtruendum, cum jam egeret, cum illa ejus immenſa & intolerabilis ædificatio conſtitiſſet; ſeipſum, faſces ſuos, exercitum populi Romani, numen interdictumque deorum immortalium, reſponſa ſacerdotum, auctoritatem Senatûs, juſſa populi, nomen ac dignitatem imperii (34.) regi Ægyptio vendidit; cum fines provinciæ tantos haberet, quantos voluerat, quantos optaverat, quantos mei capitis pretio periculoque emerat; his ſe tenere non potuit; exercitum eduxit ex Syria; quî licuit extra provinciam? tribuit ſe mercenarium comitem regi Alexandrino; quid hoc turpius? in Ægyptum venit: ſigna contulit cum Alexandrinis; quando hoc bellum, aut hic ordo, aut populus ſuſceperat? cepit Alexandriam; quid aliud exſpectamus à furore ejus, niſi ut ad Senatum tantis de rebus geſtis literas mittat? hic ſi mentis eſſet ſuæ, niſi pœnas patriæ diiſque immortalibus eas, quæ graviſſimæ ſunt, furore atque inſania penderet;

NOTES.

(34.) *Regi Ægyptio vendidit.*] Ptolemy, being driven out of his kingdom by his own ſubjects, on account of his tyrannical government, went to Rome to beg the aſſiſtance and protection of the ſenate. The Sibylline books were conſulted upon the occaſion, and theſe abſolutely prohibited the Romans from reſtoring an Ægyptian prince by force of arms. Gabinius, however, tempted by Ptolemy's gold and the plunder of Ægypt, and encouraged alſo, as ſome authors ſay, by Pompey himſelf, undertook to replace him on the throne with his Syrian army; which he executed with a high hand, and the deſtruction of all the king's enemies, in open defiance of the authority of the ſenate and the direction of the Sibyl-

loſt the uſe of his reaſon; as more frantic than Oreſtes or Athamas in the play, for having firſt dared (for that is the principal thing) to leave the province of Macedonia, into which you had tranſported ſo great an army, without a ſoldier to defend it, and then not long ago to confeſs this, when urged to it by Torquatus, a man of the greateſt weight and integrity? I paſs by your having loſt the greateſt part of your army; let that be deemed your misfortune: but what reaſon can you give for having diſmiſſed it? what authority, what law, what decree of the ſenate, what right, what precedent can you alledge for this? what elſe is madneſs, but being ignorant of men, being ignorant of laws, of the ſenate, of the conſtitution? To mangle one's own body, is an inconſiderable degree of madneſs, in compariſon of this mangling of life, of reputation and ſafety. Were you to diſmiſs your family, which belongs to yourſelf alone, your friends would think you deſerved to be put under confinement: and had you been in your ſenſes, would you have diſmiſſed the guards of the Roman people, the defence of the province, without the orders of the ſenate and people?

SECT. XXI. But what did your other ſelf? After having ſquandered that immenſe plunder which he had drawn from the officers of the revenue, from the lands and cities of our allies, after part of that plunder had been abſorbed in the abyſs of his luſts, another part of it conſumed by new and unheard-of refinements in luxury, and part of it by the purchaſes and alterations which he made in thoſe places, where he pulled down every thing to raiſe this Tuſculan mount; being now reduced to poverty, and a ſtop put to that enormous and inſufferable fabric, he ſold himſelf, the badges of his office, the army of the Roman people, the ſacred prohibition of the immortal gods, the anſwer of their prieſts, the authority of the ſenate, the orders of the people, the renown and dignity of their empire, to the Egyptian king. Though the bounds of his province were enlarged according to his deſires, according to his wiſhes, according to the price and danger at which he had ſet my head, yet could he not confine himſelf to theſe. He brought his army out of Syria. What right had he to bring them out of their own province? He enliſted himſelf under the king of Alexandria as a mercenary attendant: What could be more infamous than this? He came into Egypt; he fought againſt the Alexandrians: When did either this order, or the people of Rome undertake that war? He took Alexandria: What greater inſtance of madneſs can we expect he ſhould be guilty of, unleſs it be this, that he ſhould ſend letters to the ſenate with an account of his exploits? Had he been in his ſenſes, had not his country and the immortal gods been avenged of him by the ſevereſt of all puniſhments, thoſe of fury and madneſs, would

ret; auſus eſſet (mitto exire de provincia) educere exercitum, bellum ſua ſponte gerere, in regnum injuſſu populi aut Senatus accedere? quæ cum plurimæ leges veteres, tum (35.) lex Cornelia majeſtatis, Julia de pecuniis repetundis planiſſimè vetant; ſed hæc omitto. Ille, ſi non acerrimè fureret, auderet, quam provinciam P. Lentulus, amiciſſimus huic ordini, cum & auctoritate Senatus, & ſorte haberet, interpoſita religione, ſine ulla dubitatione depoſuiſſet, eam ſibi tum adſciſcere; cum, etiamſi religio non impediret, mos majorum tamen, & exempla, & graviſſimæ legum pœnæ vetarent?

XXII. Sed quoniam fortunarum contentionem facere cœpimus, de reditu Gabinii omittamus: quem etſi ſibi ipſe præcidit, ego tamen, os ut videam hominis, exſpecto. Tuum, ſi placet, reditum cum meo conferamus. Ac meus quidem is fuit, ut à Brunduſio uſque Romam agmen perpetuum totius Italiæ viderem; neque enim regio fuit ulla, neque municipium, neque præfectura, aut colonia, ex qua non publicè ad me venerint gratulatum. Quid dicam adventus meos? quid effuſiones hominum ex oppidis? quid concurſum ex agris patrum-familias cum conjugibus ac liberis? quid eos dies, qui, quaſi deorum immortalium feſti atque ſolemnes, ſunt apud omnes adventu meo redituque celebrati? unus ille dies mihi quidem immortalitatis inſtar fuit, quo in patriam redii; cùm Senatum egreſſum vidi, populumque Romanum univerſum; cum mihi ipſa Roma prope convulſa ſedibus ſuis ad complectendum conſervatorem ſuum progredi viſa eſt; quæ me ita accepit, ut non modo omnium generum, ætatum, ordinum omnes viri ac mulieres, omnis fortunæ ac loci; ſed etiam mœnia ipſa viderentur, & tecta urbis, ac templa lætari. Me conſequentibus diebus in ea ipſa domo, qua tu me expuleras, quam expilaras, quam incenderas, pontifices, conſules, patres conſcripti collocaverunt: mihique, quod ante me nemini, pecunia publica ædificandam domum cenſuerunt. Habes reditum meum; confer nunc viciſſim tuum: quandoquidem, amiſſo exercitu, nihil incolume domum, præter os illud priſtinum tuum retuliſti; qui primum, qua veneris cum laureatis tuis lictoribus, quis ſcit? quos tu Mæandros, dum omnes ſolitudines perſequeris, quæ diverticula flexioneſque quæſiſti? quod te municipium vidit? quis amicus invitavit?

NOTES.

(35.) *Lex Cornelia majeſtatis.*] This law, the author of which was L. Cornelius Sylla, made it treaſon to lead an army out of a province, or to engage in a war without ſpecial orders, or to endeavour the ingratiating one's ſelf ſo with the army as to make them ready to ſerve his particular intereſt; and aſſigned the puniſhment of *aquæ & ignis interdictio*, to all that ſhould be convicted of any of theſe crimes.

would he have dared, I do not ſay to leave his province, but to draw out his army, to carry on war of himſelf, to advance into a kingdom without orders from the ſenate or people? All which are forbid in the moſt expreſs terms by many antient laws, as well as by the Cornelian law upon treaſon, and the Julian law upon extortion. But this I paſs over. Had he not arrived at the height of madneſs, would he have dared to take to himſelf a province, which P. Lentulus, one of the beſt friends of this order, had, without any heſitation, quitted upon a principle of religion; though both the authority of the ſenate, and the lots had beſtowed it upon him; a proceeding, which if it had not been contrary to religion, was yet forbid by the practice of our anceſtors, by numerous examples in the ſtate, and by the ſevereſt penalties of our laws.

SECT. XXII. But ſince we have begun to compare our fortunes, let us ſay nothing concerning the return of Gabinius; which, tho' he himſelf has cut off, yet ſuch is the impudence of the man, that I expect he will return. Let me, if you pleaſe, compare your return with mine. Now ſuch was mine, that all the way from Brunduſium to Rome, I beheld all Italy drawn out in one continued body; nor was there a country, a municipal town, a prefecture, a colony, which did not ſend a deputation to pay me their compliments. Need I mention my approaches? the crowds of people that came from the towns? the concourſe of maſters of families with their wives and children from the country? and thoſe days, which, on my approach and return were celebrated all over Italy, as if they had been the feſtivals and ſolemnities of the immortal gods? one day was worth an immortality to me, the day of my return to my country, when I ſaw the ſenate and the whole Roman people come forth to meet me; when Rome herſelf ſeemed to ſpring forward from her foundations to embrace her deliverer. For ſuch was the manner in which ſhe received me, that not only men and women of all ranks, ages and conditions, of every fortune, and of every place, but even the very walls, the dwellings and temples of the city, ſeemed to wear the face of joy. In the following days the prieſts, the conſuls, the conſcript fathers put me in poſſeſſion of that very houſe from which you had driven me, which you had plundered, which you had ſet fire to; and what had never happened before, they decreed that my houſe ſhould be rebuilt at the public charge. I have given you an account of my return; compare it now, in your turn, with your own: when, after having loſt your army, you brought nothing home entire, but your brazen front, that old companion of yours. Firſt of all, who knows which way you came with your laurel'd lictors? what bye-ways, what windings and turnings did you purſue, in your ſearch after every ſolitude? what

invitavit? quis hoſpes adſpexit? non ne tibi nox erat pro die? non ſolitudo pro frequentia? caupona pro oppido? non ut redire ex Macedonia nobilis imperator, ſed ut mortuus infamis referri videretur? Romam verò ipſam fœdavit adventus tuus.

XXIII. O familiæ non dicam Calpurniæ, ſed Calventiæ; neque hujus urbis, ſed Placentini municipii; neque paterni generis, (36.) ſed braccatæ cognationis dedecus! quemadmodum veniſti? quis tibi, non dicam horum, aut civium cæterorum, ſed tuorum legatorum obviam venit? mecum enim tum L. Flaccus, vir tua legatione indigniſſimus, atque iis conſiliis, (37.) quibus mecum in conſulatu meo conjunctus fuit, ad conſervandam rempublicam dignior, mecum fuit tum, cùm te quidam non longe à porta cum lictoribus errantem viſum eſſe narraret. Scio item virum fortem in primis, belli, ac rei militaris peritum, familiarem meum, Q. Marcium, quorum tu legatorum prœlio imperator appellatus eras, cum non longe abfuiſſes, adventu iſto tuo domi fuiſſe otioſum. Sed quid ego enumero, qui tibi obviam non venerint? qui dico veniſſe pene neminem, (38.) ne de officioſiſſima quidem natione candidatorum, cùm vulgo eſſent & illo ipſo, & multis antè diebus admoniti & rogati; togulæ lictoribus ad portam præſto fuerunt: quibus illi acceptis, ſagula rejecerunt, & catervam imperatori ſuo novam præbuerunt; ſic iſte à tanto exercitu, tanta provincia, triennio poſt, Macedonicus imperator in urbem ſe intulit, ut nullius negotiatoris obſcuriſſimi reditus unquam fuerit deſertior; in quo me tamen, qui eſſet paratus ad ſe defendendum, reprehendit; cum ego Cœlimontana porta introiſſe dixiſſem, ſponſione me, ni Eſquilina introiſſet, homo promptiſſimus laceſſivit: quaſi vero id aut ego ſcire debuerim, aut veſtrûm quiſquam audierit; aut ad rem pertineat, qua tu porta introieris, modo ne triumphali: quæ porta Macedonicis ſemper proconſulibus ante te patuit; tu inventus es, qui conſulari imperio præditus ex Macedonia non triumphares.

XXIV. At audiſtis, P. conſcripti, philoſophi vocem; negavit ſe triumphi cupidum unquam fuiſſe. O ſcelus! ô peſtis! ô labes! cum exſtinguebas Senatum, vendebas auctoritatem hujus ordinis, addicebas

NOTES.

(36.) *Sed braccatæ cognationis dedecus.*] Cicero here means the Gauls, from whom Piſo was deſcended by the mother; part of whoſe dreſs was the *braccæ*, a kind of trowſes.

(37.) *Quibus mecum in conſulatu meo conjunctus fuit.*] This L. Flaccus was prætor in Cicero's conſulſhip, and performed no inconſiderable ſervices to his country during Catiline's conſpiracy; for which he received the thanks of the ſenate.

(38.) *Ne de officioſiſſima quidem natione candidatorum*] Thoſe who ſtood candidates for public honours generally declared their pretenſions about a year before the election; all which time was ſpent in gaining and ſecuring of friends. For this purpoſe, they uſed all the arts of popularity, making their circuits round the city very often; and, in their walks taking the meaneſt perſons by the hands, and talking to them in a familiar manner: whence Cicero here calls them, *natio officioſiſſima*.

what corporation ſaw you? what friend invited you? what hoſt regarded you? Did you not prefer the night to the day? being alone, to being in company? an inn to a city? So that you did not ſeem to return from Macedonia like a glorious commander, but to be brought back from it like a foul careaſe. As for your arrival, it polluted Rome itſelf.

SECT. XXIII. Thou diſgrace, not to the Calphurnian family, but even to the Calventian! not to this city, but to the corporation of Placentia! not to thy father's race, but to thy trouſer'd alliance! In what manner didſt thou come? was there one, I will not ſay of theſe, or our other citizens, but of thy own lieutenants, who came out to meet thee? For L. Flaccus, a man very unworthy of ſuch a lieutenancy as yours, and more worthy of bearing a part in thoſe meaſures for preſerving the ſtate, in which he was engaged with me during my conſulate, was with me when ſomebody told us that you was ſeen not far from the gate, ſtrolling about with your lictors. I know too that my friend Q. Marcius, one of the braveſt of men, well ſkilled in military affairs, one of thoſe lieutenants whoſe courage in battle procured you the title of emperor, when you was not a great way from Rome, was at his own houſe doing nothing. But why ſhould I reckon up thoſe who did not come out to meet you? when ſcarce one of the officious tribe of candidates met you, though they were all publicly apprized and invited that very day, and ſeveral days before. There were ſhort gowns ready for your lictors at the gate, which they exchanged for their caſſocks, and by this means gave a new face to their general's train. Thus a governor of Macedonia, with ſuch an army, and ſuch a province, convey'd himſelf into the city, after three years, in ſuch a manner, that no pedlar had ever a more private return. And yet this modeſt gentleman, ſo well prepared for his defence, reproaches me on this head. After I had ſaid that he entered by the Cælimontane gate, like a man of ſpirit, he offered to lay that he entered by the Exquiline; as if it had been either incumbent upon me to know this, as if any of you had heard of it, or as if it had been of any conſequence in the preſent affair, through what gate you entered, if it was not through the triumphal; a gate, which, before you, was always open to Macedonian proconſuls. You are the only perſon with conſular authority, who, upon your return from Macedonia, have not been honoured with a triumph.

SECT. XXIV. But, Conſcript Fathers, it was a philoſopher you heard ſpeak. He denies that he had ever any paſſion for a triumph. Thou execrable wretch, thou plague, thou foul reproach of this ſtate! while you was deſtroying the ſenate, expoſing to ſale the au-

bas tribuno pleb. conſulatum tuum, rempub. evertebas, prodebas caput & ſalutem meam una mercede provinciæ: ſi triumphum non cupiebas, cujus tandem rei te cupiditate arſiſſe defendes? ſæpe enim vidi, qui & mihi, & cæteris cupidiores provinciæ viderentur; triumphi nomine tegere atque velare cupiditatem ſuam; hoc modò D. Salanus Conſul in hoc ordine, hoc meus etiam collega dicebat; neque enim quiſquam poteſt exercitum cupere, aperteque petere, ut non prætexat cupiditatem triumphi. Quod ſi te Senatus, ſi populus Romanus, aut non appetentem, aut etiam recuſantem, bellum ſuſcipere, exercitum ducere coegiſſet; tamen erat anguſti animi atque demiſſi, juſti triumphi honorem atque dignitatem contemnere; nam, ut levitatis eſt, inanem aucupari rumorem, & omnes umbras etim falſæ gloriæ conſectari: ſic levis eſt animi, lucem ſplendoremque fugientis, juſtam gloriam, qui eſt fructus veræ virtutis honeſtiſſimus, repudiare. Cum verò, non modo non poſtulante atque cogente, ſed invito atque oppreſſo Senatu, non modò nullo populi Romani ſtudio, ſed nullo ferente ſuffragium libero, provincia tibi iſta manupretium fuerit non everſæ per te, ſed perditæ civitatis: cumque omnium tuorum ſcelerum hæc pactio exſtiterit, ut ſi totam rempublicam nefariis latronibus tradidiſſes, Macedonia, tibi ob eam rem, quibus tu finibus velles, redderetur: cum exhauriebas ærarium, cum orbabas Italiam juventute, cum mare vaſtiſſimum hieme tranſibas; ſi triumphum contemnebas, quæ te, prædo amentiſſime, niſi prædæ ac rapinarum cupiditas tam cæca rapiebat? Non eſt integrum Cn. Pompeio conſilio jam uti tuo? erravit enim; non guſtarat iſtam tuam philoſophiam; ter jam homo ſtultus triumphavit. Craſſe, pudet me tui: quid eſt quod confecto per te formidoloſiſſimo bello, coronam illam lauream tibi tantopere decerni volueris à Senatu? P. Servili, Q. Metelle, C. Curio, P. Africane, cur non hunc audiſtis tam doctum hominem, tam eruditum, prius quàm in iſtum errorem induceremini? C. ipſi Pontino, neceſſario meo, jam non eſt integrum: religionibus enim ſuſceptis impeditur. O ſtultos Camillos, Curios, Fabricios, Calatinos, Scipiones, Marcellos, Maximos! ô amentem Paullum; ruſticum Marium! (39.) nullius conſilii patres horum amborum conſulum, qui triumpharint!

XXV. Sed quoniam præterita mutare non poſſumus, quid ceſſat hic homullus ex argilla & luto fictus, Epicureus, dare hæc præclara præcepta ſapientiæ clariſſimo & ſummo imperatori, genero ſuo? fertur

NOTES.

(39.) *Nullius conſilii patres iſtorum amborum conſulum, qui triumpharunt.*] This oration was made in the ſecond conſulſhip of Pompey and Craſſus; both whoſe fathers had obtained the honour of a triumph; Pompey's for his victory over the Picentes, Craſſus's for that over the Spaniards.

thority of this order, hiring out your conſulate to a tribune of the people, ſubverting the ſtate, betraying my life and ſafety, all for the ſake of a province; if you did not aſpire after a triumph, with what paſſion will you pretend that you was animated? For I have often ſeen men, who appeared both to me and to others too fond of a province, cover and conceal their ambition with the ſpecious name of a triumph. It was thus that D. Silanus, when conſul, and my collegue too, uſed to talk in this aſſembly; and no perſon indeed can deſire the command of an army, and openly ſolicit it, without making his deſire of a triumph a colour for his ambition. Suppoſing the ſenate and people of Rome had obliged you to take the command of an army, without your deſiring it, nay when you declined going to the war, it would ſtill have diſcovered a narrow and abject ſpirit, to deſpiſe the honour and dignity of a juſt triumph. For as it is a proof of levity to hunt after empty applauſe, and to purſue every ſhadow of falſe glory, ſo it ſhews a mean ſpirit, that ſhuns bright renown, to refuſe genuine glory, which is the nobleſt reward of real virtue. But when that province was beſtowed upon you as the wages not of having unhinged, but of having ruined the ſtate, ſo far from being deſired and obliged by the ſenate, that the ſenate was forced to give way to it; ſo far from being ſolicited by the Roman people, that not a free ſuffrage was given in your favour; when this was the ſtipulated reward of all your crimes, that, if you would deliver the whole commonwealth into the hands of infamous robbers, you ſhould have Macedonia adjudged to you with whatever bounds you pleaſed to ſet to it; when you drained the treaſury, ſtripped Italy of her youth, paſſed a great extent of ſea in the winter time, if all this while you ſlighted a triumph, what blind paſſion, frantic ruffian, hurried you on, if it was not a paſſion for rapine and plunder? Cn. Pompeius is not now at liberty to follow your advice; for he has erred. He had no reliſh for your philoſophy; fooliſh man! he has already triumphed three times. Craſſus, I bluſh for you; after having finiſhed a moſt formidable war, what made you ſo very deſirous of having a laurel crown decreed you by the ſenate? P. Servilius, Q. Metellus, C. Curio, P. Africanus, why did you not liſten to this very knowing and learned gentleman, before you ſuffered yourſelves to be thus ſeduced? Even my friend C. Pontinus is not now at liberty, having begun the religious rites. Fooliſh Camilli, Curii, Fabricii, Calatini, Scipiones, Marcelli, Maximi! ſilly Paulus! ſtupid Marius! what ignorance it ſhewed in the fathers of both theſe our conſuls to triumph!

SECT. XXV. But ſince we cannot alter what is paſt, why does not this Epicurean dwarf, this compoſition of loam and clay, give theſe fine precepts of philoſophy to his ſon-in-law, that great and

fertur ille vir, mihi crede, gloria: flagrat, ardet cupiditate juſti & magni triumphi; non didicit eadem iſta, quæ tu; mitte ad eum libellum; & ſi jam ipſe coram congredi poteris, meditare, quibus verbis incenſam illius cupiditatem conprimas, atque reſtinguas; valebis apud hominem volitantem gloriæ cupiditate, vir moderatus & conſtans, apud indoctum eruditus, apud generum ſocer; dices enim, ut es homo facetus, ad perſuadendum concinnus, perfectus, politus è ſchola: Quid eſt, Cæſar, quod te ſupplicationes toties decretæ, tot dierum, tantopere delectent? in quibus, homines errore ducuntur: quas dii negligunt; qui, ut noſter ille divinus dixit Epicurus, neque propitii cuiquam eſſe ſolent, neque irati. Non facies fidem ſcilicet, cum hæc diſputabis: tibi enim & eſſe, & fuiſſe deos videbis iratos; vertes te ad alteram ſcholam: differes de triumpho. Quid tandem habet iſte currus? quid vincti ante currum duces? quid ſimulacra oppidorum? quid aurum? quid argentum? quid legati in equis & tribuni? quid clamor militum? quid tota illa pompa? inania ſunt iſta, mihi crede, delectamenta pene puerorum, captare plauſus, vehi per urbem, conſpici velle, quibus ex rebus, nihil eſt quod ſolidum tenere, nihil quod referre ad voluptatem corporis poſſis; quin tu me vides, qui ex qua provincia T. Flamininus, L. Paullus, Q. Metellus, T. Didius, innumerabiles alii, levi cupiditate commoti triumpharunt, ex ea ſic redii, ut ad portam Eſquilinam, Macedonicam lauream conculcarim; ipſe cum hominibus quindecim male veſtitis ad portam Cælimontanam ſitiens pervenerim: quo in loco mihi libertus, præclaro imperatori domum ex hac die biduo ante conduxerat: quæ vacua ſi non fuiſſet, in campo Martio mihi tabernaculum collocaſſem; nummus interea mihi, Cæſar, neglectis ferculis triumphalibus, domi manet & manebit; (40.) rationes ad ærarium retuli continuo, ſicut tua lex jubebat: neque alia ulla in re legi tuæ parui, quas rationes ſi cognoris, intelliges nemini plus, quam mihi literas profuiſſe: ita enim ſunt perſcriptæ ſcite & literate, ut ſcriba, ad ærarium qui eas retulit, perſcriptis rationibus, ſecum ipſe caput ſiniſtra manu perfricans commurmuratus ſit. *Ratio quidem*

NOTES.

(40.) *Rationes, ad ærarium retuli continuo, ſicut tua lex jubebat.*] C. Julius Cæſar made a law, A. U. 691, whereby governors, at the expiration of their office, were obliged to leave a ſcheme of their accounts in two cities of their provinces, and, upon their arrival at Rome, to deliver in a copy of the ſaid accounts at the public treaſury.

renowned commander? Believe me, that gentleman is influenced by glory; he is heated, he is fired with the deſire of a juſt and noble triumph. He has not received the ſame leſſons that you have done. Send him your inſtructions in writing. But, in the mean time, in caſe you ſhould happen to meet with him, conſider what words you muſt make uſe of, to ſtifle and extinguiſh the flames of his ambition. You, who are a man of moderation and ſteddineſs, will prevail over one carried about on the wings of ambition; his ignorance will give way to your learning, and the ſon-in-law will yield to his father. For, as you are a man of pleaſantry, have a graceful manner of perſuading, and are juſt come from the ſchools thoroughly accompliſhed and polite, you will ſay to him, pray, Cæſar, what makes you ſo highly delighted with thankſgivings, ſo often decreed, and for ſo many days? Mankind are certainly in an error as to this; theſe things are what the gods neglect: For they, as our divine Epicurus ſays, are neither favourable to, nor angry with any one. You'll never have it in your power to convince upon this head; for you ſhall ſee that the gods both have been, and are ſtill angry with yourſelf. Accordingly you will paſs from this to another topic, and talk of a triumph. Now, after all, what is there in that chariot? in thoſe princes led before it in chains? in thoſe repreſentations of towns? what is there in that gold? in that ſilver? in thoſe lieutenants and tribunes on horſeback? in thoſe ſhouts of the ſoldiers? what in all that pomp? Believe me, the whole is vanity; all that catching at the acclamations of the people, being carried in proceſſion through the ſtreets, and gazed at by the mob, are ſcarce amuſements for ſchool-boys: There is nothing ſolid in them, nothing that can contribute to the pleaſure of the ſenſes. T. Flamininus, L. Paulus, Q. Metellus, T. Didius, and a great many more, carried away by a ſilly ambition, triumphed upon their return from this province; but my return, you ſee, was of a very different kind. When I came to the Eſquiline gate, I trod under foot the Macedonian laurel; with fifteen ragged attendants, I came, and very dry indeed I was, to the Cælimontane gate, where one of my freedmen had hired a houſe for me, as renowned a commander as I was, only two days before; and if that houſe had not happened to be empty, I ſhould have pitched my tent in the field of Mars. In the mean time, Cæſar, deſpiſing all the pageantry of a triumph, I have and ſhall have money lying for me at home. I immediately gave in my accounts to the treaſury, according to your law; and it was the only thing wherein I obeyed that law: Which accounts, if you look into, you will ſee that no perſon has profited more by arithmetic, than myſelf; for they are wrote in ſo nice and maſterly a manner, that the clerk, who carried them to the treaſury, after having regiſtered them, ſcratching his head with his left hand, mut-

quidem hercle apparet, argentum οἴχεται. Hac tu oratione non dubito, quin illum jam adſcendentem in currum poſſis revocare.

XXVI. O tenebræ, ô lutum, ô ſordes, ô paterni generis oblite, materni vix memor! ita neſcio quid iſtuc fractum, humile, demiſſum, ſordidum, inferius etiam eſt, quam ut Mediolanenſi præcone, avo tuo dignum eſſe videatur. L. Craſſus homo ſapientiſſimus noſtræ civitatis, ſpiculis prope ſcrutatus eſt Alpes: ut, ubi hoſtis non erat, ibi triumphi cauſam aliquam quæreret. (41.) Eadem cupiditate vir ſummo ingenio præditus, C. Cotta, nullo certo hoſte, flagravit; eorum neuter triumphavit, quòd alteri illum honorem collega, alteri mors ademit. Irriſa eſt abs te paullo ante M. Piſonis cupiditas triumphandi, à qua te longe dixiſti abhorrere; qui etiamſi minus magnum bellum geſſerat, ut abs te dictum eſt, tamen iſtum honorem contemnendum non putavit. Tu eruditior quam Piſo, prudentior quam Cotta, abundantior conſilio, ingenio, ſapientia, quam Craſſus, ea contemnis, quæ illi idiotæ, ut tu appellas, præclara duxerunt. Quòd ſi reprehendis, quòd cupidi laureæ fuerint, cum bella aut parva, aut nulla geſſiſſent; tu, tantis nationibus ſubactis, tantis rebus geſtis, minime fructum laborum tuorum, præmia periculorum, virtutis inſignia contemnere debuiſti; neque verò contempſiſti, (42.) licet Themiſta ſapientior, ſi os tuum ferreum Senatus convicio verberari noluiſti. Jam vides (quandoquidem ita mihimet fui inimicus, ut me tecum compararem) & digreſſum meum, & abſentiam, & reditum ita longe tuo præſtitiſſe, ut mihi illa omnia immortalem gloriam dederint, tibi ſempiternam turpitudinem inflixerint. Nunc etiam in hac quotidiana, aſſidua, urbanaque vita ſplendorem tuum, gratiam, celebritatem domeſticam, operam forenſem, conſilium, auxilium, auctoritatem, ſententiam Senatoriam nobis, aut, ut verius dicam, cuiquam es infimo ac deſperatiſſimo antelaturus?

XXVII. Age, Senatus odit te, quod eum tu facere jure concedis, afflictorem & perditorem non modo dignitatis & auctoritatis, ſed omnino ordinis ac nominis ſui: videre equites Romani non poſſunt, quo ex ordine vir præſtantiſſimus, L. Ælius eſt, te Conſule, relegatus;

NOTES.

(41.) *Eadem cupiditate vir ſummo ingenio præditus, C. Cotta.*] Cicero makes frequent mention of this Cotta, in his Dialogues *De Oratore*. We are told by Aſconius, that after the ſenate had decreed him a triumph, he died the day before it was to be celebrated, of the breaking out of a wound which he had received ſeveral years before.

(42.) *Licet ſis Themiſta ſapientior.*] This Themiſta, according to Laertius, was the wife of one Leonteus, and a very learned lady: ſhe was cotemporary with Epicurus, and a great admirer of his philoſophy.

tered to himſelf, *The account is here ſure enough, but the caſh is gone.* By this ſpeech, I make no doubt, but you will be able to ſtop your ſon-in-law, even tho' he were mounting his car.

SECT. XXVI. Thou mean, filthy, dirty wretch, who haſt forgot thy father's family, and ſcarce remembereſt that of thy mother! There is ſomething in thee, I know not what, ſo low, ſo abject, ſo worthleſs, ſo ſordid, that thou art a reproach even to thy grandfather, who was a common cryer at Milan. L. Craſſus, a man of the greateſt wiſdom in our ſtate, traverſed almoſt every foot of the Alps with his javelins, that he might find ſome ſubject for a triumph in a place where he could meet with no enemy. The ſame paſſion fired C. Cotta, a man of the moſt diſtinguiſhed abilities, tho' without any declared enemy to wage war with. Neither Cotta nor Craſſus triumphed, the one being deprived of that honour by his collegue, the other by death. You laughed not long ago at M. Piſo's paſſion for a triumph, a paſſion, you ſaid, very different from what you was animated with; but altho' Piſo carried on an inconſiderable war, as you have told us, yet he did not think that honour contemptible. You, who have more learning than Piſo, more underſtanding than Cotta, a greater ſhare of abilities, wiſdom, and genius than Craſſus, deſpiſe thoſe things, which thoſe idiots, as you call them, deemed glorious. But tho' you blame them for having been ambitious of laurels, when they had conducted either no wars at all, or very inconſiderable ones; yet you who have ſubdued ſuch powerful nations, and performed ſuch mighty exploits, ought not to have ſlighted the fruit of your toils, the rewards of your dangers, the badges of your valour: Nor did you ſlight them indeed, tho' wiſer than Themiſta; you was unwilling to have your brazen front battered with the reproaches of the ſenate. You ſee now, ſince I have been ſo far my own enemy as to compare myſelf with you, that my departure, my abſence and return ſo far ſurpaſſed yours, that I derived immortal glory from mine, and you laſting infamy from yours. And now, as to our daily and conſtant manner of living in town, will you take upon you to prefer your ſplendor, your intereſt, the number of your clients, your practice at the bar, your advice, your aſſiſtance, your authority, your weight in the ſenate, to mine; or, to ſpeak more properly, to thoſe of the meaneſt and moſt deſperate man living.

SECT. XXVII. To begin then; the ſenate deteſts you, and juſtly, as you yourſelf allow, ſince you have not only ſubverted and deſtroyed its dignity and authority, but its very name and order: The Roman knights can't bear the ſight of you, ſince in your conſulſhip, L. Ælius, the moſt illuſtrious man of that order, was baniſhed:

tus: plebs Romana perditum cupit, in cujus tu infamiam ea, quæ per latrones & per ſervos de me egeras, contuliſti: Italia cuncta exſecratur, cujus idem tu ſuperbiſſime decreta & preces repudiaſti. Fac hujus odii tanti, ac tam univerſi periculum, ſi audes. (43.) Inſtant poſt hominum memoriam apparatiſſimi magnificentiſſimique ludi, quales non modo nunquam fuerunt, ſed ne quomodo fieri quidem poſthac poſſint, poſſum ullo pacto ſuſpicari. Da te populo, committe ludis. Sibilum metuis? ubi ſunt veſtræ ſcholæ? ne acclametur? ne id quidem eſt curare philoſophi: manus tibi ne afferantur, times; dolor enim eſt malum, ut diſputas: exiſtimatio, dedecus, infamia, turpitudo, verba ſunt atque ineptiæ; ſed de hoc non dubito; nam non audebit accedere ad ludos; convivium publicum non dignitatis cauſa inibit (niſi forte, ut cum P. Clodio, hoc eſt, cum amoribus ſuis cœnet) ſed plane animi ſui cauſa; ludos nobis idiotis relinquet; ſolet enim, in diſputationibus ſuis, oculorum & aurium delectationi abdominis voluptates anteferre; nam quod vobis iſte tantummodo improbus, crudelis olim furunculus, nunc vero etiam rapax, quod ſordidus, quod contumax, quod ſuperbus, quod fallax, quod perfidioſus, quod impudens, quod audax eſſe videatur: nihil ſcitote eſſe luxurioſius, nihil libidinoſius, nihil protervius, nihil nequius; luxuriam autem in iſto nolite hanc cogitare; eſt enim quædam, quanquam omnis eſt vitioſa atque turpis, tamen ingenuo ac libero dignior; nihil apud hunc lautum, nihil elegans, nihil exquiſitum (laudabo inimicum) ne magnopere quidem quidquam, præter libidines, ſumptuoſum; toreuma nullum: maximi calices; & hi, ne contemnere ſuos videatur, Placentini: exſtructa menſa, non conchyliis, aut piſcibus, ſed multa carne ſubrancida; ſervi ſordidati miniſtrant, nonnulli etiam ſenes: idem coquus, idem atrienſis: piſtor domi nullus, nulla cella: panis, & vinum à propola, atque de cupa: Græci ſtipati, (44.) quini in lectulis, ſæpe plures: ipſe ſolus: (45.) bibitur uſque

NOTES.

(43.) *Inſtant poſt hominum memoriam apparatiſſimi magnificentiſſimique ludi.*] The ſhews with which Pompey entertained the people at the dedication of that grand theatre, which he built at his own charge for the uſe and ornament of the city, are here referred to. According to the accounts we have of them, by Roman authors, they were the moſt magnificent, that had ever been exhibited in Rome. In the theatre, were ſtage-plays, prizes of muſic, wreſtling, and all kinds of bodily exerciſes: in the circus, horſe-races, and huntings of wild beaſts, for five days ſucceſſively, in which five hundred lions were killed, and on the laſt day twenty elephants: whoſe lamentable howling, when mortally wounded, Pliny and Dio tell us, raiſed ſuch a commiſeration in the multitude, from a vulgar notion of their great ſenſe and love to man, that it deſtroyed the whole diverſion of the ſhew, and drew curſes on Pompey himſelf, for being the author of ſo much cruelty. So true it is, what Cicero, in his Offices, obſerves of this kind of prodigality, that there is no real dignity, or laſting honour in it; that it ſatiates, while it pleaſes, and is forgotten, as ſoon as it is over.

(44.) *Quini in lectulis, ſæpe plures.*] The uſual number in a bed was three; ſometimes indeed there were four, but this happened very ſeldom: ſo that what is mentioned

niſhed: The commons of Rome wiſh your utter ruin, for you made them fall under the infamy of what you did againſt me by means of ſlaves and robbers: All Italy curſes you for having, with the utmoſt arrogance, rejected their decrees and intreaties. Make trial, if you dare, of ſo great and univerſal a hatred. Very ſoon will be celebrated the moſt ſplendid and magnificent games in the memory of man, ſuch as not only have never heretofore been exhibited, but ſuch as, I firmly believe, never will hereafter. Shew yourſelf to the people; truſt yourſelf in the theatre. Are you afraid of being hiſſed? what's become of your philoſophy? do you fear being clapped? that's below the regard of a philoſopher, ſurely. You are afraid they ſhould lay hands upon you; for, according to your philoſophy, pain is an evil; as for reputation, ſhame, infamy, diſgrace, they are only empty words: But I am confident he will not dare be preſent at the games. Nor will he make his appearance at the public entertainment for the ſake of the honour that attends it, unleſs perhaps he come to ſup with P. Clodius, I mean, with his dear companions, but merely for his diverſion. The games he'll leave to us idiots; for in his diſputations he is wont to prefer the pleaſures of the belly to whatever gratifies the eyes and ears. For whereas you formerly thought him only a knaviſh, cruel pickpocket, and now conſider him as rapacious, ſordid, obſtinate, haughty, deceitful, perfidious, impudent and daring; you muſt know beſides that there is not a more luxurious, luſtful, worthleſs, deteſtable being on earth. Don't imagine, however, that his luxury has any thing of elegance in it; for though all luxury is baſe and diſhonourable, yet there is a certain ſpecies of it more becoming a man of ſpirit and a gentleman. There is nothing ſplendid about him, nothing elegant, nothing fine; and, let me commend my enemy, he is expenſive in nothing but in his luſts. There is not a piece of chaſed plate in his houſe; his diſhes are of the largeſt ſize, and that he mayn't ſeem to ſlight his countrymen, they are Placentine ware; his table is covered not with delicate fiſhes of different kinds, but with plenty of ſalt ſtinking meat; the ſervants who wait upon him are all ſhabby fellows, and ſome of them old ones; one perſon is both cook and porter; there is not a baker in his houſe, nor a cellar in it; his bread and his wine are bought from the chandler's ſhop and the tavern; his Greek gueſts are crowded together, five, ſometimes more, in one of his little beds, while he has one wholly to

NOTES.

tioned in this paſſage was reckoned extremely mean and inelegant.

(45.) *Bibitur uſque eo, dum de ſolio miniſtretur.*] It is not eaſy to aſcertain the meaning of this paſſage, upon which the commentators are divided. Inſtead of *de ſolio*, ſome are for reading *d. dolio*. 'Bibitur tam-'diu,' ſays Erneſtus, 'donec vinum defu-'ſum et vetuſtum non ſuppetat amplius, ſed 'etiam vinum recens, *doliare*, miniſtretur.'

uſque eo, dum de ſolio miniſtretur; (46.) ubi galli cantum audivit, avum ſuum revixiſſe putat: menſam tolli jubet.

XXVIII. Dicet aliquis; unde tibi hæc nota ſunt? non, mehercule, contumeliæ cauſa deſcribam quemquam, præſertim ingenioſum hominem, atque eruditum, cui generi eſſe ego iratus, ne ſi cupiam quidem poſſum. (47.) Eſt quidem Græcus, qui cum iſto vivit, homo, vere ut dicam (ſic enim cognovi) humanus, ſed tamdiu, quamdiu cum aliis eſt, aut ipſe ſecum; is cum iſtum adoleſcentem jam tum cum hac diis irata fronte vidiſſet, non fugit ejus amicitiam, cum eſſet præſertim appetitus: dedit ſe in conſuetudinem, ſic ut prorſus unà viveret, nec fere ab iſto unquam diſcederet. Non apud indoctos, ſed, ut ego arbitror, in hominum eruditiſſimorum & humaniſſimorum cœtu loquor; audiſtis profecto dici, (48.) philoſophos Epicureos, omnes res, quæ ſunt homini expetendæ, voluptate metiri: recte an ſecus, nihil ad nos: aut ſi ad nos, nihil ad hoc tempus; ſed tamen lubricum genus orationis adoleſcenti non acriter intelligenti eſt ſæpe præceps. Itaque admiſſarius iſte, ſimulatque audivit à philoſopho voluptatem tantopere laudari, nihil expiſcatus eſt: ſic ſuos ſenſus voluptarios omnes incitavit, ſic ad illius hanc orationem adhinniit, ut non magiſtrum virtutis, ſed auctorem libidinis à ſe illum inventum arbitraretur. Græcus primo diſtinguere, atque dividere illa, quemadmodum dicerentur; iſte claudus (quomodo aiunt) pilam retinere, quod acceperat teſtificari, tabulas obſignare velle, Epicurum diſertum decernere; (49.) & tamen dictum, ut opinor, ſe nullum bonum intelligere poſſe, demptis corporis voluptatibus. Quid multa? Græcus facilis, & valde venuſtus, nimis pugnax contra Senatorem populi Romani eſſe noluit.

XXIX. Eſt autem hic, de quo loquor, non Philoſophia ſolum, ſed etiam literis, quod fere cæteros Epicureos negligere dicunt, perpolitus. Poema porro facit ita feſtivum, ita concinnum, ita elegans, nihil ut fieri poſſit argutius; in quo reprehendat eum licet, ſi qui volet, modo leviter, non ut impurum, non ut improbum, non ut

NOTES.

(46.) *Ubi galli cantum audivit, avum ſuum revixiſſe putat.*] This is a pun upon the word Gallus; Piſo's grandfather being a Gaul.

(47.) *Eſt quidem Græcus, qui cum iſto vivit.*] The name of this Greek was Philodemus, an Epicurean philoſopher: He is mentioned by Cicero, in his ſecond Book *de Finibus*, as a man of great worth and learning.

(48.) *Philoſophos Epicureos omnes res, qui ſunt homini expetendæ voluptate metiri.*] The Epicureans held pleaſure to be the chief good of man, and deem the extinction of his being: ſo that they placed their happineſs in the ſecure enjoyment of a pleaſurable life; eſteeming virtue on no other account, than as it was a handmaid to pleaſure, and helped to inſure the poſſeſſion of it, by preſerving health and conciliating friends. Their wiſe man accordingly had no other duty, but to provide for his own eaſe; to decline all ſtruggles; to retire from public affairs; and, to imitate the life of their gods, by paſſing his days in a calm, contemplative, undiſturbed repoſe, in the midſt of rural ſhades and pleaſant gardens.

(49.)

to himſelf; they drink as long as he ſerves them from the upper couch; when he hears the cock crow, he thinks his grandfather has riſen from the dead, and orders the table to be removed.

SECT. XXVIII. It will be aſked, perhaps, how came you to know this? Why, truly, I will draw a character of no perſon for the ſake of abuſe, eſpecially of a man of genius and learning; for ſuch, were I ever ſo willing, I cannot hate. There lives with this wretch a certain Greek, who, to ſpeak the truth, is an ingenious man, for I know him to be ſo; but he ſhews himſelf ſuch only when with other people than him, or when by himſelf. This perſon happening to ſee Piſo, when a young man, with that ſeverity of aſpect which he wore even then, did not decline his friendſhip, eſpecially as Piſo courted him, but ran into an intimacy with him in ſuch a manner that they lived together, and were almoſt inſeparable. I am not now ſpeaking before illiterate perſons, but before an aſſembly which I know to be compoſed of men of the greateſt learning and politeneſs. The Epicurean philoſophers then, you muſt have heard, meaſure every thing, which ought to be the object of human wiſhes, by pleaſure; whether juſtly or not, does not concern us; or, if it does, is nothing to the preſent purpoſe: yet ſuch a looſe ambiguous way of talking is often very pernicious to young perſons, who have not the niceſt diſcernment. Accordingly this ſtallion, as ſoon as he heard pleaſure ſo highly commended by a philoſopher, enquired no farther; but gave ſuch a looſe to every ſenſual appetite, and was ſo tickled with his manner of ſpeaking, that he thought he had found in him not a director of his morals, but an encourager of his luſts. Upon this the Greek began, by means of diviſions and diſtinctions, to ſhew him in what ſenſe theſe maxims were to be taken. But his lame pupil having once caught the ball, as we ſay, would not quit it; he took witneſſes, and ſealed up their depoſitions, that Epicurus expreſsly declared, there was no real good remaining, if bodily pleaſures were taken away. In ſhort, the good-natured, complaiſant Greek would not be too obſtinate againſt a Roman ſenator.

SECT. XXIX. But the perſon I am ſpeaking of is not only an excellent philoſopher, but has likewiſe a great deal of learning; which, in general, the Epicureans are ſaid to neglect. He has wrote a poem too, which is ſo pretty, ſo full of elegance and humour, that nothing can be more witty and ingenious. If any one has a

NOTES.

(49.) *Et tamen dictum opinor.*] This paſſage is very obſcure; and the commentators, tho' they have offered ſeveral conjectures and emendations in order to clear it up, have left it as obſcure as ever. We have nothing ſatisfactory to offer upon it, and muſt therefore leave our readers to make their beſt of it.

ut audacem, ſed ut Græculum, ut aſſentatorem, ut poetam; devenit, aut potius incidit in iſtum eodem deceptus ſupercilio Græcus atque advena, quo tam ſapiens & tanta civitas; revocare ſe non poterat, familiaritate implicatus: & ſimul inconſtantiæ famam verebatur: rogatus, invitatus, coactus, ita multa ad iſtum, de iſto quoque, ſcripſit, ut omnes hominis libidines, omnia ſtupra, omnia cœnarum conviviorumque genera, adulteria denique ejus delicatiſſimis verſibus expreſſerit; in quibus ſi quis velit, poſſit iſtius tanquam in ſpeculo vitam intueri: ex quibus multa à multis lecta & audita recitarem, niſi vererer ne hoc ipſum genus orationis, quo nunc utor, ab hujus loci more abhorreret: & ſimul de ipſo qui ſcripſit, detrahi nihil volo: qui, ſi fuiſſet in diſcipulo comparando meliore fortuna, fortaſſe auſterior & gravior eſſe potuiſſet; ſed eum caſus in hanc conſuetudinem ſcribendi induxit, philoſopho valde indignum: ſiquidem philoſophia, ut fertur, virtutis continet, & officii, & bene vivendi diſciplinam: quam qui profitetur, graviſſimam mihi ſuſtinere perſonam videtur. Sed idem caſus illum ignarum quid profiteretur, cum ſe philoſophum eſſe diceret, iſtius impuriſſimæ atque intemperantiſſimæ pecudis cœno & ſordibus inquinavit: qui modo cum res geſtas Conſulatus mei collaudaſſet (quæ quidem laudatio hominis turpiſſimi mihi ipſi erat pene turpis.) Non ulla tibi, inquit, invidia nocuit, ſed verſus tui. Nimis magna pœna, te Conſule, conſtituta eſt, ſive malo poetæ, ſive libero. Scripſiſti enim, CEDANT ARMA TOGÆ. Quid tum? (50.) Hæc res tibi fluctus illos excitavit. At hoc nuſquam opinor ſcriptum fuiſſe in illo elogio, quod, te Conſule, in ſepulcro reipublicæ inciſum eſt. VELITIS, JUBEATIS, UT, quod Marcus Cicero verſum fecerit, ſed quod vindicarit.

XXX. Verumtamen, quoniam te (51.) non Ariſtarchum, ſed Phalarim grammaticum habemus, qui non notam apponas ad malum verſum, ſed poetam armis perſequare; ſcire cupio, quid tandem iſto in verſu reprehendas, CEDANT ARMA TOGÆ. Tuæ dicis, inquit, togæ ſummum imperatorem eſſe ceſſurum. Quid nunc te, aſine, literas doceam? non opus eſt verbis, ſed fuſtibus; non dixi hanc

NOTES.

(50.) *Hæc res tibi fluctus illos excitavit.*] Piſo, upon his return to Rome from his province, truſting to the authority of his ſon-in-law, Cæſar, had the hardineſs to attack Cicero before the ſenate; and, among other things with which he upbraided him, told him, that a ſingle verſe of his was the cauſe of all his calamity, by provoking Pompey to make him feel, how much the power of the general was ſuperiour to that of the orator. The abſurdity of Piſo's application of this verſe, our orator ridicules with great humour.

(51.) *Non Ariſtarchum, ſed Phalarim grammaticum.*] Ariſtarchus was a celebrated grammarian, and critic: he flouriſhed at Alexandria about 176 years before Chriſt. It is reported of him, that he wrote above a thouſand commentaries upon different authors; and that when he did not like a verſe of Homer, he marked it with an aſteriſk, as being ſpurious. Phalaris was a famous tyrant of Agrigentum.

mind to find fault with this poem, let him, provided he does it without ſeverity; and treat the author, not as a filthy, wicked and preſumptuous wretch; but as a Greekling, a flatterer, and a poet. As he was a Greek, and a ſtranger, he came into the hands of this fellow, or rather happened to fall into them; being impoſed upon, as this powerful and wiſe ſtate had been, by that air of ſeverity. When once he was united to him in ſo ſtrict an intimacy, he could not diſengage himſelf; and beſides, he was afraid of being charged with inconſtancy, if he ſhould leave him. Being aſked, invited, and forced to it, he wrote ſo much to him, and that on the ſubject of his wretched ſelf, that he deſcribed, in charming verſes, all his luſts, all his debaucheries; and, in a word, all his different kinds of ſuppers and entertainments. Thoſe verſes if any one has a mind to read, he may ſee Piſo's life repreſented in them as it were in a mirror: I would repeat ſome of them, which have been read and heard by many, were I not afraid that the very ſtrain, in which I am now ſpeaking, was inconſiſtent with the majeſty of this place. Beſides, I would not detract in the leaſt from the merits of the author, who, if he had been more fortunate in a pupil, would perhaps have been more grave and ſerious. But chance has led him into this manner of writing, ſo unworthy of a philoſopher; for philoſophy is ſaid to comprehend in it the knowledge of virtue, ſocial duty, and moral conduct; and whoever profeſſes it, ſeems to me to ſuſtain a very important character. Not knowing well what it was he profeſſed, when he took upon him the character of a philoſopher, chance, which led him to Piſo, plunged him likewiſe into the mire and filth of that moſt impure and intemperate brute, who, after having praiſed my conduct in my conſulſhip, if praiſe from ſo infamous a fellow is not rather infamy, ſaid to me, *It is not envy that has hurt you, but your verſes.* The puniſhment which was decreed under your conſulſhip, was too ſevere either for a bad poet, or a free citizen. But you wrote— *Cedant arma togæ.* And what if I did? Why, it was the cauſe of all your calamity. But it was not wrote, I think, in that epitaph which, under your conſulſhip, was engraved upon the tomb of the republic, *Be it decreed and ordered, that,* as M. Cicero has made verſes; no, it was thus, *as M. Cicero has brought to juſtice.*

SECT. XXX. But as we have in you not an Ariſtarchus, but a grammatical Phalaris, who inſtead of expunging the verſe, are for deſtroying the poet; I ſhould be glad to know what fault you find with that verſe, *Cedant arma togæ.* Why this; you ſay that the greateſt of our generals muſt give way to your gown. Thou aſs, am I now to teach thee thy letters? Why, words won't do, you muſt have blows. I did not mean the gown I now wear, nor the arms,

hanc togam, qua ſum amictus; nec arma, ſcutum, & gladium unius imperatoris: ſed, quod pacis eſt inſigne & otii, toga; contra autem arma, tumultus atque belli; more poetarum locutus, hoc intelligi volui, BELLUM AC TUMULTUM PACI ATQUE OTIO CONCESSURUM. Quære ex familiari tuo, Græco illo poeta: probabit genus ipſum & agnoſcet, neque te nihil ſapere mirabitur. At in illo altero, inquit, hæres, CONCEDAT LAUREA LAUDI. Immo mehercule habeo tibi gratiam; hærerem enim, niſi tu me expediſſes; nam cum tu timidus ac tremens tuis ipſe furaciſſimis manibus detractam è cruentis faſcibus lauream ad portam Eſquilinam abjeciſti; indicaſti non modo ampliſſimæ, ſed etiam minimæ laudi lauream conceſſiſſe. Atque iſta ratione hoc tamen intelligi, ſcelerate, vis, Pompeium inimicum mihi iſto verſu eſſe factum; ut, ſi verſus mihi nocuerit, ab eo, quem is verſus offenderit, videatur mihi pernicies eſſe quæſita. Omitto, nihil iſtum verſum pertinuiſſe ad illum: non fuiſſe meum, quem quantum potuiſſem, multis ſæpe orationibus ſcriptiſque decoraſſem, hunc uno violare verſu. Sed ſit offenſus; primo non-ne compenſabit cum uno verſiculo tot mea volumina laudum ſuarum? Quod ſi eſt commotus, ad perniciem ne, non dicam amiciſſimi, non ita de ſua laude meriti, non ita de republica, non Conſularis, non Senatoris, non civis, non liberi; in hominis caput ille tam crudelis propter verſum fuiſſet?

XXXI. Tu quid, tu apud quos, tu de quo dicas, intelligis? complecteris ampliſſimos viros ad tuum & Gabinii ſcelus: neque id occulte; nam paulo ante dixiſti, me cum iis confligere, quos deſpicerem; non attingere eos, qui plus poſſent, quibus iratus eſſe deberem; quorum quidem (quis enim non intelligit quos dicas?) quanquam non eſt una cauſa omnium, tamen eſt omnium mihi probata; me Cn. Pompeius, multis obſiſtentibus ejus erga me ſtudio atque amori, ſemper dilexit, ſemper ſua conjunctione digniſſimum judicavit, ſemper non modo incolumem, ſed etiam ampliſſimum atque ornatiſſimum voluit eſſe; veſtræ fraudes, veſtrum ſcelus, (52.) veſtræ criminationes inſidiarum mearum, illius periculorum, nefariè fictæ, ſimul eorum, qui familiaritatis licentia ſuorum improbiſſimorum ſermonum domicilium in auribus ejus, impulſu veſtro, collocaverunt, veſtræ cupiditates provinciarum effecerunt, ut ego excluderer,

NOTES.

(52.) *Veſtræ criminationes inſidiarum mearum.*] The Clodian faction, in order to deprive Cicero of ſo powerful a protection as that of Pompey, employed all their arts to infuſe jealouſies and ſuſpicions into him of a deſign formed by Cicero againſt his life.

arms, the ſhield, or the ſword of any particular general; but as the gown is the emblem of peace and tranquillity, and the ſword, on the contrary, that of war and tumult; I ſpoke in the poetical ſtyle, and meant no more than this, that war and tumult muſt give way to peace and tranquillity. Aſk your friend, the Greek poet; he will approve of this manner of ſpeaking, own it to be an uſual one, nor will he be ſurpriſed at your ignorance. But, ſays he, you ſtick in the latter part of the verſe, *Concedat laurea laudi.* Why truly, Sir, I am obliged to you; here, I own, I ſhould have ſtuck, if you had not helped me out. For when you, trembling, daſtardly wretch! with thoſe moſt rapacious and thieviſh hands of yours, threw away, at the Eſquiline gate, the laurel that was taken from your bloody faſces; you declared that the laurel yielded, not only to the higheſt, but even to the loweſt kind of honour. And yet, ruffian, you would have this underſtood in ſuch a manner, as if Pompey had become my enemy on account of that verſe; that if the verſe has hurt me, my ruin may ſeem to have been brought upon me by the perſon it offended. Not to mention that Pompey was not pointed at in that verſe, nor that I could never intend to affront, by one verſe, the perſon whom, to the utmoſt of my capacity, I had often celebrated in many writings and ſpeeches, I ſhall ſuppoſe he was offended. Will he not, in the firſt place, put the many volumes I have wrote in his praiſe, in the balance with one ſilly verſe? Again, ſuppoſing him ſomewhat nettled, would he have been ſo cruel as, for the ſake of a trifling verſe, to ruin, I do not ſay an intimate friend, nor one who had done ſo much to advance his fame, nor one who had deſerved ſo well of the ſtate, nor one of conſular dignity, nor a ſenator, nor a citizen, nor a gentleman, but even a man?

SECT. XXXI. Do you know what, do you know before whom, do you know of whom, you are talking? You make the moſt illuſtrious perſons ſhare in the guilt of your crimes, and thoſe of Gabinius; and you do it openly. You ſaid but juſt now, that I vented my ſpleen againſt thoſe whom I deſpiſed, and did not meddle with thoſe who had more power, and with whom I ought to be offended. But tho' the views of theſe perſons (for who can be ſuppoſed not to know whom you point at?) are not indeed all the ſame, yet all their views are ſuch as I approve of. Cn. Pompeius, tho' many oppoſed his zeal and affection for me, always loved me, always thought me very worthy of his intimacy, always ſtudied not only my ſafety, but my grandeur and glory. Your knaviſh tricks, your villainy, the reports of my plots and his dangers ſo maliciouſly invented by you; and by thoſe, who, abuſing their intimacy with him, were conſtantly, at your inſtigation, filling his ears with the moſt ſcandalous ſtories, your paſſion for provinces, made me be

derer, omneſque, qui me, qui illius gloriam, qui rempublicam ſalvam eſſe cupiebant, ſermone atque aditu prohiberentur. Quibus rebus eſt perfectum, ut illi planè ſuo ſtare judicio non liceret: cum certi homines non ſtudium ejus à me alienaſſent, ſed auxilium retardaſſent. Non-ne ad te L. Lentulus, qui tum erat Prætor, non Q. Sanga, non L. Torquatus pater, non M. Lucullus venit? qui omnes ad eum, (53.) multique mortales, oratum in Albanum obſecratumque venerant ne meas fortunas deſereret cum reipublicæ ſalute conjunctas; quos ille ad te & ad tuum collegam remiſit, ut cauſam publicam ſuſciperetis, ut ad Senatum referretis: ſe contra armatum tribunum pleb. ſine conſilio publico decertare nolle: conſulibus ex S. C. rempublicam defendentibus, ſe arma ſumpturum. Ecquid infelix recordaris, quid reſponderis? in quo illi omnes quidem, ſed Torquatus præter cæteros, furebat contumacia reſponſi tui; te non eſſe tam fortem quàm ipſe Torquatus in conſulatu fuiſſet, aut ego: nihil opus eſſe armis, nihil contentione: me poſſe iterum rempub. ſervare, ſi ceſſiſſem: infinitam cædem fore, ſi reſtitiſſem: deinde ad extremum, neque te, neque generum, neque collegam tuum, tribuno plebis defuturum; hic tu hoſtis ac proditor, aliis me inimiciorem, quàm tibi, debere eſſe dicis?

XXXII. Ego C. Cæſarem non eadem de republica ſenſiſſe, quæ me, ſcio: ſed tamen, quod jam de eo, his audientibus ſæpe dixi, me ille ſui totius Conſulatûs, (54.) eorumque honorum, quos cum proximis communicavit, ſocium eſſe voluit, detulit, invitavit, rogavit; non ſum ego, propter nimiam fortaſſe conſtantiæ cupiditatem, adductus ad cauſam: non poſtulabam ut ei cariſſimus eſſem, cujus ego ne beneficiis quidem ſententiam meam tradidiſſem. Adducta res in certamen, te Conſule, putabatur, (55.) utrum quæ ſuperiore anno ille geſſiſſet, manerent, an reſcinderentur; quid loquar plura? ſi tantum ille in me eſſe uno roboris & virtutis putavit, ut ea, quæ ipſe geſſerat, conciderent, ſi ego reſtitiſſem; cur ei non ignoſcam, ſi antepoſuit ſuam ſalutem meæ? Sed præterita omitto; me ut Cn. Pompeius

NOTES.

(53.) *Multique mortales, oratum in Albanum obſecratumque venerant.*] The many letters and meſſages which Pompey received from the confidents of Clodius, and from his pretended friends, all admoniſhing him to be on his guard againſt the plots of Cicero, and to take better care of his life, induced him to withdraw himſelf from Rome to his Alban Villa. We are not to imagine, however, that he entertained any apprehenſion of Cicero; the part he acted on this occaſion was more probably owing to his engagements with Cæſar.

(54.) *Eorumque honorum, quos cum proximis communicavit, ſocium eſſe voluit.*] Cæſar tried all means to induce Cicero to take part in the acts of his conſulſhip; offered him commiſſions and lieutenancies of what kind, and with what privileges he ſhould deſire; and to hold him in the ſame rank of friendſhip with Pompey himſelf, as we are told more fully in the oration *de Provinciis Conſularibus.*

(55.) *Utrum quæ ſuperiore anno ille geſſiſſet, manerent.*] Cæſar had no ſooner laid down his conſulſhip, than he began to be attacked and affronted by L. Domitius and C. Memmius, two of the prætors; who called in queſtion the validity of his acts, and

excluded; and all thoſe who wiſhed well to me, to his glory, and to the ſtate, be removed from his converſation, and from all acceſs to him. Whence it came to paſs, that he was not at liberty to follow his own judgment, while certain perſons, tho' they were not able to alienate his affections from me, robbed me of his aſſiſtance. Did not L. Lentulus, who was then prætor, did not Q. Sanga, did not L. Torquatus the elder, did not M. Lucullus come to you? When theſe, and many others, went to Pompey at his Alban ſeat, to beg and intreat him not to deſert my fortunes, which were inſeparably connected with the welfare of the ſtate, he ſent them back to you and your collegue, that you might undertake the public cauſe, and lay it before the ſenate; declaring that he would not take the field againſt an armed tribune of the people, without public authority; but that, if the conſuls would, by a decree of the ſenate, undertake the defence of the ſtate, he would take up arms. Do you remember, wretch, what anſwer you made? All thoſe perſons, but eſpecially Torquatus, were provoked even to rage at the rudeneſs and inſolence of it; you told them that you was not ſo ſtout a conſul as Torquatus and I had been; that there was no occaſion for arms, or fighting; that I might ſave the republic a ſecond time, by withdrawing myſelf; that my reſiſtance would occaſion the loſs of an infinite quantity of civil blood; and, in ſhort, that neither you, nor your ſon-in-law, nor your collegue, would relinquiſh the party of the tribune. And haſt thou yet the impudence, thou public enemy and traitor, to ſay that I ought to bear greater enmity to others than to thee?

SECT. XXXII. I know that C. Cæſar's political ſentiments and mine, were different; but, notwithſtanding this, as I have often ſaid of him in this aſſembly, he deſired, he propoſed, he invited, he begged of me to ſhare in his conſulſhip, and in thoſe honours which he communicated to his neareſt relations. It was perhaps too great a deſire of ſhewing the ſteadineſs of my principles, that kept me from joining his party; but I was not fond of entering into a ſtrict intimacy with one, whoſe favours could not even prevail upon me to think as he did. It was debated under your conſulſhip, whether his acts of the preceding year ſhould be confirmed or annulled. What need I ſay more? If he thought there was ſo much vigour and courage in me alone, that his acts would be aboliſhed, if I had oppoſed them; why ſhould I not pardon him for preferring his own ſafety to mine? But, to omit what is paſt; as Cn. Pompeius

NOTES.

and made ſeveral efforts in the ſenate to get them annulled by public authority. But the whole ended in ſome fruitleſs debates and altercations; for Cæſar always took care, by force of bribes, to ſecure the leading magiſtrates to his intereſts.

Pompeius omnibus ſuis ſtudiis, laboribus, vitæ periculis complexus eſt, cum municipia pro me adiret, Italiæ fidem imploraret, P. Lentulo Conſuli, auctori ſalutis meæ, frequens aſſideret, Senatui ſententiam præſtaret, in concionibus non modo ſe defenſorem ſalutis meæ, ſed etiam ſupplicem pro me profiteretur: hujus voluntatis eum, quem multum poſſe intelligebat, mihi non inimicum eſſe cognorat, ſocium ſibi & adjutorem C. Cæſarem adjunxit. Jam vides, me tibi non inimicum, ſed hoſtem: illis, quos deſcribis, non modo non iratum, ſed etiam amicum eſſe debere? quorum alter, id quod meminero ſemper, æque mihi fuit amicus ac ſibi: alter, id quod obliviſcar aliquando, ſibi amicior quam mihi. Deinde hoc ita fit, ut viri fortes, etiam ſi ferro inter ſe cominus decertarint, tamen illud contentionis odium ſimul cum ipſa pugna armiſque ponant. Atqui me ille odiſſe nunquam potuit, ne tum quidem cum diſſidebamus; habet hoc virtus, quam tu ne de facie quidem noſti, ut viros fortes ſpecies ejus & pulchritudo etiam in hoſte poſita delectet.

XXXIII. Equidem dicam ex animo, P. C. quod ſentio, & quod, vobis audientibus, ſæpe jam dixi: Si mihi nunquam amicus C. Cæſar fuiſſet, ſed ſemper iratus; ſi aſpernaretur amicitiam meam, ſeſeque mihi implacabilem, inexplicabilemque præberet; tamen ei, cum tantas res geſſiſſet, gereretque quotidie, non amicus eſſe non poſſem; cujus ego imperio non Alpium vallum contra adſcenſum tranſgreſſionemque Gallorum, non Rheni foſſam gurgitibus illis redundantem, Germanorum immaniſſimis gentibus objicio & oppono; perfecit ille, ut ſi montes reſediſſent, amnes exaruiſſent, non naturæ præſidio, ſed victoria ſua rebuſque geſtis Italiam munitam haberemus. Sed cum me expetat, diligat, omni laude dignum putet; tu me à tuis inimicitiis ad ſimultatem revocabis? ſic tuis ſceleribus reipublicæ præterita fata refricabis? quod quidem tu, qui bene noſſes conjunctionem meam & Cæſaris, eludebas, cum à me trementibus omnino labris, ſed tamen, cur tibi nomen non deferrem, requirebas. Quanquam, quod ad me attinet, (56.) *Nunquam iſtam imminuam curam inficiando tibi:* tamen eſt mihi conſiderandum, quantum illi, tantis reipublicæ negotiis tantoque bello impedito, ego homo amiciſſimus, ſolicitudinis atque oneris imponam; nec deſpero tamen, (57.) quanquam languet juventus, nec perinde atque debeat in laudis

NOTES.

(56.) *Nunquam iſtam imminuam curam inficiando tibi.*] This is a verſe taken from the Atreus of the poet Accius: it is quoted by Cicero upon another occaſion.

(57.) *Quanquam languet juventus, nec perinde atque debeat in laudis & gloriæ cupiditate verſatur.*] It has been before obſerved, that the impeachment of corrupt magiſtrates was always accounted honourable at Rome, and frequently undertaken by young gentlemen, in order to recommend themſelves to the favour of the people, and thereby facilitate their advancement to the higheſt honours of the ſtate.

peius eſpouſed my intereſt with all his zeal, with infinite labour, at the hazard of his life, as he went round the municipal towns in order to ſerve me, implored the aſſiſtance of all Italy, was frequently with P. Lentulus the conſul who firſt propoſed my return, was always ready to declare his ſentiments upon the matter in the ſenate, and in aſſemblies not only profeſſed himſelf my defender, but even a ſuppliant for me; knowing that C. Cæſar had great intereſt, and was withal no enemy of mine, he made him his aſſociate and aſſiſtant in all the ſervices he did me. Do you ſee now that I had reaſon not only not to be offended with thoſe perſons you deſcribed, but to have a friendſhip for them? One of them, which I ſhall never forget, was as much my friend as his own; the other, which I ſhall forget in time, was more his own friend than mine. In a word, it was with us, as with brave men; who, tho' they fight hand to hand, yet, after the combat is over, lay aſide their enmity, when they lay aſide their arms. But Cæſar never could hate me, even when we were at variance. For ſuch is the nature of virtue, the very ſhadow of which you are a ſtranger to, that the beauty of its appearance even in an enemy captivates the brave.

SECT. XXXIII. And indeed, Conſcript Fathers, I will tell you my real ſentiments, and what I have often already declared, in your hearing. Tho' C. Cæſar had never been my friend, but had always ſhewn a diſinclination to me; tho' he had ſlighted my friendſhip, and acted the part of an intolerable and implacable enemy towards me; yet after the great things he has done, and ſtill continues to do, I could not help loving him. While he commands, we have no need of the rampart of the Alps to guard us againſt the inroads of the Gauls, nor of the ditch of the Rhine, ſo full of whirlpools, againſt thoſe of the ſavage nations of Germany; were the mountains themſelves levelled, and the rivers dried up, Italy, tho' deprived of all the barriers of nature, would by his victories and exploits alone be ſtrongly fortified. But, as he has the higheſt eſteem and affection for me, and deems me worthy of all manner of honour; ſhall you draw me off from my quarrel with you to a breach with him? Shall you thus, by your villainous arts, make the wounds of your country bleed afreſh? Tho' you well knew my intimacy with Cæſar, you affected not to know it, when you aſked me, tho' with trembling lips, why I did not impeach you? As for my part, *I ſhall never rid you of that concern, by denying it to you:* I muſt conſider, however, how much trouble and uneaſineſs I, who am ſo zealous a friend, ſhould thereby give one who has ſo important a war upon his hands, and public concerns of ſuch conſequence to embarraſs him. Yet I am not without hopes, notwithſtanding the ſpiritleſs inactivity of our young Romans, and their want of due

dis & gloriæ cupiditate verſatur, futuros aliquos qui abjectum hoc cadaver conſularibus ſpoliis nudare non nolint, præſertim tam afflicto, tam infirmo, tam enervato reo: qui te ita geſſeris, ut timeres ne indignus beneficio videreris, niſi ejus, à quo miſſus eras, ſimillimus exſtitiſſes.

XXXIV. An verò tu parum putas inveſtigatas eſſe à nobis labes imperii tui, ſtrageſque provinciæ? quas quidem nos non veſtigiis odorantes ingreſſus tuos, ſed totis volutationibus corporis & cubilibus perſecuti ſumus. Notata à nobis ſunt & prima illa ſcelera in adventu, cum, accepta pecunia à Dyrrhachinis ob necem hoſpitis tui Platoris, ejus ipſius domum evertiſti, cujus ſanguinem addixeras; eumque, ſervis ſymphoniacis & aliis muneribus acceptis, timentem, & multum dubitantem confirmaſti, & Theſſalonicam fide tua venire juſſiſti; (58.) quem ne majorum quidem more ſupplicio affeciſti, cum miſer ille ſecuribus hoſpitis ſui cervices ſubjicere geſtiret: ſed ei medico, quem tecum eduxeras, imperaſti, ut venas hominis incideret: cum equidem tibi etiam acceſſio fuit ad necem Platoris, Pleuratus ejus comes, quem necaſti verberibus, ſumma ſenectute confectum. Idemque tu Rabocentum, Beſſicæ gentis principem, cùm te trecentis talentis regi Cotto vendidiſſes, ſecuri percuſſiſti: cum ille ad te legatus in caſtra veniſſet, & ibi magna præſidia & auxilia à Beſſis peditum equitumque polliceretur: neque eum ſolum, ſed etiam cæteros legatos, qui ſimul venerant: quorum omnium capita regi Cotto vendidiſti. Denſeletis, quæ natio ſemper obediens huic imperio, etiam in illa omnium barbarorum defectione Macedonica C. Sentium Prætorem tutata eſt, nefarium bellum & crudele intuliſti: eiſque cùm fideliſſimis ſociis uti poſſes, hoſtibus uti acerrimis maluiſti. Ita perpetuos defenſores Macedoniæ, vexatores, ac perditores effeciſti; vectigalia noſtra perturbarunt, urbes ceperunt, vaſtarunt agros, ſocios noſtros in ſervitutem abduxerunt, familias abripuerunt, pecus abegerunt, Theſſalonicenſes, cùm oppido deſperaſſent, munire arcem coëgerunt.

XXXV. (59.) A te Jovis Urii fanum antiquiſſimum barbarorum ſanctiſſimumque direptum eſt; tua ſcelera dii immortales in noſtros milites

NOTES.

(58.) *Quem ne majorum quidem more ſupplicio affeciſti.*] The uſual way of putting ſtate criminals to death was firſt by ſcourging them with rods, and then beheading them.

(59.) *A te Jovis Urii fanum antiquiſſimum Barbarorum.*] This temple, we are told by Arian, lay betwixt the Thracian Boſphorus and the city of Trabizond. The Jupiter Urius of the Greeks was called by the Romans Jupiter Imperator, as we learn by the following paſſage in the fourth book againſt Verres. 'Quid? ex æde liberi ſimulacrum ariſtei non tuo imperio palam ablatam eſt? Quid? ex æde Jovis, religioſiſſimum ſimulacrum Jovis imperatoris, quem Græci Urion nominant, pulcherrimè factum, nonne abſtuliſti?'

ardor in the purſuit of glory and fame, that there are ſome among them who will be diſpoſed to ſtrip this deſpicable carcaſe of the conſular ſpoils; eſpecially, when the criminal is ſo diſpirited, ſo feeble, ſo enervate a wretch as you, who have conducted yourſelf in ſuch a manner, as to ſhew you was apprehenſive of being thought unworthy of the favour conferred upon you, if you did not exactly copy after that worthy gentleman who ſent you.

SECT. XXXIV. Do you imagine that I have ſlightly traced the ſtains of your government, and the ravages of your province? No; I have not gone upon the ſcent of them, but have cloſely purſued you through all your ſteps into your very lurking-holes and wallowing places. The very firſt villainies you were guilty of upon your arrival, I marked; when, after having received a ſum of money from the inhabitants of Dyrrachium for murdering Plator, the perſon who entertained you, you demoliſhed the houſe of the man, whoſe blood you had ſet to ſale; whom, after receiving muſical ſlaves and other preſents from him, you encouraged, when under the moſt perplexing apprehenſions, and ordered indeed to come to Theſſalonica, giving him your promiſe as a pledge of his ſafety; whom you did not even put to death according to the cuſtom of your anceſtors, but when the poor wretch begged to yield his neck to the axes of his gueſt, ordered the phyſician, whom you carried with you, to open his veins. To the murder of Plator you added that of his companion Pleuratus too, whom you ſcourged to death, tho' ſinking into the grave with the weight of years. After ſelling yourſelf for three hundred talents to king Cottus, you likewiſe beheaded Rabocentus, a principal perſon among the Beſſians; though he came to your camp as an ambaſſador, with a promiſe of aſſiſtance, and a large body of auxiliaries both of horſe and foot. You waged an unjuſt and cruel war againſt the Denſeletæ, a nation always obedient to our government; and which, even during that total defection of the Barbarians in Macedonia, defended C. Sentius the prætor; and when you might have made uſe of them as moſt faithful allies, you choſe rather to have them inveterate enemies. Thus you rendered thoſe, who always defended Macedonia, the ravagers and deſtroyers of it. They have occaſioned the utmoſt diſorder in our revenues, taken our cities, laid waſte our lands, reduced our allies to ſlavery, carried off their ſlaves, drove away their cattle, and obliged the inhabitants of Theſſalonica, when they deſpaired of being able to defend the city any longer, to fortify themſelves in the citadel.

SECT. XXXV. By you the temple of Jupiter Urius was plundered; a temple, the moſt antient and ſacred among the Barbarians. The

milites expiaverunt: qui cùm uno genere morbi affligerentur, neque ſe recreare quiſquam poſſet, qui ſemel incidiſſet; dubitabat nemo, quin violati hoſpites, legati necati, pacati atque ſocii nefario bello laceſſiti, fana vexata, hanc tantam efficerent vaſtitatem. Cognoſcis ex particula parva, ſcelerum & crudelitatis tuæ genus univerſum. Quid avaritiæ, quæ criminibus infinitis implicata eſt, ſummam nunc explicem? generatim ea quæ maximè nota ſunt, dicam; nonne ſeſtertiûm centies & octogies, quod, quaſi vaſarii nomine, in venditione mei capitis adſcripſeras, ex ærario tibi attributum Romæ in quæſtu reliquiſti? nonne cum CC talenta tibi Apollionatæ Romæ dediſſent, ne pecunias creditas ſolverent, ultro Fufidium equitem Romanum, hominem ornatiſſimum, creditorem debitoribus ſuis addixiſti? nonne, hiberna cùm legato præfectoque tuo tradidiſſes, evertiſti miſeras funditus civitates, quæ non ſolùm bonis ſunt exhauſtæ, ſed etiam nefarias libidinum contumelias turpitudineſque ſubierunt? (60.) Qui modus tibi fuit frumenti æſtimandi? qui honorarii? ſi quidem poteſt vi & metu extortum honorarium nominari; quod cum pleræque omnes, tum acerbiſſimè Bœotii, & Byzantii, Cherronenſes, Theſſalonica ſenſit; unus tu dominus, unus æſtimator, unus venditor tota in provincia per triennium frumenti omnis fuiſti.

XXXVI. Quid ego rerum capitalium quæſtiones, reorum pactiones, redemptiones, acerbiſſimas damnationes, libidinoſiſſimas liberationes proferam? tantùm locum aliquem cum mihi notum eſſe ſenſeris, tecum ipſe licebit, quot in eo genere & quanta ſint crimina, recordere. Quid? illam armorum officinam ecquid recordaris, cùm omni totius provinciæ pecore compulſo, pellium nomine omnem quæſtum illum domeſticum paternumque renovaſti? videras enim grandis jam puer, bello Italico, repleri quæſtu veſtram domum, cum pater armis faciendis tuus præfuiſſet; quid? vectigalem provinciam, ſingulis rebus, quæcunque venirent, certo portorio impoſito, ſervis tuis publicanis à te factam eſſe meminiſti? quid? centuriatus palam venditos? quid? per tuum ſervulum ordines aſſignatos? quid? ſtipendium

NOTES.

(60.) *Qui modus tibi fuit frumenti æſtimandi?*] The Roman provinces were obliged to pay a certain quantity of corn, commonly the tenth part of their crop. This corn the Roman magiſtrates had a power of converting into money at a certain valuation, which was a ſource of grievous oppreſſion in the provinces. Cicero, in his third book againſt Verres, tells us that this converſion was at firſt deſigned for the eaſe of the farmers, but that it was at laſt abuſed by avaricious governors: His words are as follows: 'Hæc æſtimatio nata eſt, Judices, initio, 'non ex prætorum aut conſulum, ſed ex 'aratorum atque civitatum commodo. Nemo enim fuit initio tam impudens, qui, 'cum frumentum deberetur, pecuniam poſceret. Certè hoc ab aratore primum eſt 'profectum, aut alia civitate, cui imperabatur: cum aut frumentum vendidiſſet, 'aut ſervare vellet, aut in eum locum, quò 'imperabatur, portare nollet: petivit in beneficii loco et gratiæ, ut ſibi pro frumento, 'quanti frumentum eſſet, dare liceret. Secuti ſunt avariores magiſtratus——Inſtituerunt ſemper ad ultima ac difficillima 'loca

The immortal gods have avenged themſelves for your crimes on the perſons of our ſoldiers, who being all ſeized with the ſame kind of diſeaſe, and it proving fatal to every one whom it attacked, no body queſtioned, but that the violation of the laws of hoſpitality, the murder of ambaſſadors, the waging unjuſt wars againſt peaceful allies, the plundering of temples, have been the cauſe of ſo dreadful a deſolation. By this ſmall ſpecimen of your villainies and cruelty, you diſcover the whole. Need I repreſent at large thy avarice, which is complicated with an infinite number of other crimes? I ſhall only mention, in general, thoſe inſtances of it, that are moſt notorious. Did you not leave at intereſt in Rome eighteen millions of ſeſterces, the ſum at which you valued my head, and which was given you out of the treaſury for domeſtic uſes? When the people of Apollonia gave you two hundred talents at Rome, in order to be excuſed from paying their debts, did you not deliver up Fufidius, a Roman knight of the moſt diſtinguiſhed accompliſhments, into the hands of his debtors? When you ſent your lieutenants with their troops into winter quarters, did you not utterly ruin thoſe wretched cities into which they were ſent, and which were not only ſtripped of their wealth, but obliged to undergo the moſt infamous outrages of brutal luſt? What rule did you obſerve in the valuation of corn? what in the valuation of the free gift? if what is extorted by violence and threats can be properly called a free gift. This was what the inhabitants of moſt of the cities felt, but eſpecially thoſe people of Bœotia, Byzantium, Cherſoneſus and Theſſalonica. During the ſpace of three years you was the ſole proprietor, the ſole valuer, the ſole retailer of corn throughout the province.

SECT. XXXVI. Need I mention your conduct in criminal trials, your bargains and compromiſes with the accuſed, your rigorous penalties, and your arbitrary acquittals? When I have once ſhewn you that I am no ſtranger to ſome parts of your conduct under thoſe heads, you may then recollect how numerous and highly aggravated your crimes are upon the whole. To begin then: Do you remember any thing of that magazine of arms, when having got together all the cattle of the province, you renewed all that profit which was made by your father and others of your family upon ſkins? For being a great boy in the Italian war, you ſaw your houſe filled with the profits of that trade, when your father had the direction of the manufacture of arms. Do you remember how you made a whole province tributary, by laying a certain tax upon all vendible commodities, and farming out that tax to your ſlaves? Do you remember how military commiſſions were expoſed to open ſale? how

NOTES.

'loca ad portandum frumentum imperare, 'ut vecturæ difficultate, ad quam vellent 'æſtimationem pervenirent,'

pendium militibus per omnes annos à civitatibus, menſis palam propoſitis, eſſe numeratum? (61.) quid illa in Pontum profectio, & conatus tuus? quid debilitatio atque abjectio animi tui, Macedonia Prætoria nuntiata, cum tu non ſolum, quòd tibi ſuccederetur, ſed quòd Gabinio non ſuccederetur, exſanguis & mortuus concidiſti? quid Quæſtor Ædilitius rejectus? præpoſitus legatorum tuorum optimus abs te quiſque violatus? Tribuni militum non recepti? M. Bæbius, vir fortis, interfectus juſſu tuo? quid, quod tu toties diffidens ac deſperans rebus tuis, in ſordibus, lamentis, luctuque jacuiſti? (62.) quod populari illi ſacerdoti ſexcentos ad beſtias amicos ſocioſque miſiſti? Quid, quòd cùm ſuſtentare vix poſſes mœrorem tuum, doloremque deceſſionis, Samothraciam te primùm, poſt inde Thaſum cum tuis teneris ſaltatoribus, & cum Autobulo, Athamante & Timocle, formoſis fratribus, contuliſti? quid, quòd cum inde te recipiens, in villa Euchadiæ, quæ fuit uxor Exegiſti, jacuiſti, mœrens aliquot dies; atque inde obſoletus Theſſalonicam, omnibus inſcientibus, noctuque veniſti? qui cum concurſum plorantium, ac tempeſtatem querelarum ferre non poſſes, in oppidum devium Beroëam profugiſti; quo in oppido cum tibi ſpe falſa, quod Q. Ancharium non eſſe ſucceſſurum putares, animos rumor inflaſſet; quo te modo ad tuam intemperantiam, ſcelerate, innovaſti?

XXXVII. Mitto aurum coronarium, quod te diutiſſime torſit; cùm modo velles, modo nolles; lex enim generi tui & decerni, & te accipere vetebat, niſi decreto triumpho; in quo tu, accepta tamen & devorata pecunia, ut in Achæorum centum talentis, evomere non poteras: vocabula tantum pecuniarum, & genera mutabas. Mitto diplomata tota in provincia paſſim data: mitto numerum navium, ſummamque prædæ: mitto rationem exacti imperatique frumenti: mitto ereptam libertatem populis, ac ſingulis, qui erant affecti præmiis nominatim: quorum nihil eſt, quod non ſit lege Julia, ne fieri liceat, ſancitum diligenter. Ætoliam, quæ procul à barbaris disjuncta

NOTES.

(61.) *Quid illa in Pontum profectio, & conatus tuus?*] There is no mention made in hiſtory of what Cicero alledges in this paſſage. It is probable, however, that Piſo's avarice prompted him to make an attempt upon Pontus, and that he was repulſed.

(62.) *Quod populari illi ſacerdoti ſexcentos ad beſtias amicos ſocioſque miſiſti?*] Cicero here refers to the ſhews of wild beaſts which Clodius exhibited when he was made curule ædile. He is called *ſacerdos popularis*, in alluſion to the ſtory of his profaning the myſteries of the *Bona Dea*.

how the officers had their ranks aſſigned them by the meaneſt of your ſlaves? how the ſoldiers pay was raiſed from the cities every year, offices being publicly erected for that purpoſe? what ſhall I ſay of your march to, and attempt upon, Pontus? of the daſtardly, abject ſpirit you diſcovered, when, upon being told that Macedonia was declared a prætorian province, you dropped down pale and motionleſs, not only becauſe you had got a ſucceſſor, but becauſe Gabinius had got none? of your rejecting a quæſtor, who had ſerved as ædile? of the firſt and ableſt of your lieutenants being all wronged by you? of your rejecting the military tribunes appointed by the people? of your ordering that brave man, M. Bœbius, to be put to death? What ſhall I ſay of your abandoning yourſelf ſo often to the moſt rueful deſpondency, to tears and lamentations, upon a view of the deſperate ſituation of your affairs? what of your ſending to that lay-prieſt ſix hundred of our friends and allies to be expoſed to wild beaſts? Do you remember how you retired, when almoſt overwhelmed with ſorrow and affliction at your removal, firſt to Samothrace, and from thence to Tharſus, with your delicate dancers, and thoſe beautiful brothers, Autobulus, Athamas, and Timocles? How, upon your leaving Tharſus, you lay for ſome days, in the utmoſt dejection, at the country-ſeat of Euchadia, the wife of Exegiſtus, from whence you ſtole, in a pitiful ſorry manner, to Theſſalonica, in the night, and without the knowledge of any body? How, upon your not being able to bear the tears of the crowds that flocked round you at Theſſalonica, and the tempeſt of their complaints, you fled to Beræa, an out-of-the-way place; where being elated with the report and imagination that Q. Ancharius was not to ſucceed you, you renewed, ruffian that you are, all your former outrages?

SECT. XXXVII. I mention not the money for the triumphal crown, which tormented you ſo long, while you had a mind at one time to take, and at another not to take it. For it was forbid by your ſon-in-law's ſtatute, that ſuch a crown ſhould be either decreed or accepted, unleſs when a triumph was decreed. Notwithſtanding this, having received and devoured the money, you was no more able to diſgorge it, than you was to diſgorge the hundred talents belonging to the Achæans. You only alledged another pretence for taking it. I mention not the letters-patent, that were ſent all over the province; nor the ſhips that were ſent out, and the amount of their prizes; nor the account of the corn that was exacted and demanded; I paſs by your depriving nations of their liberty, together with individuals, though they were expreſsly entitled to privileges: All which acts of oppreſſion were carefully provided againſt by the Julian law. At your departure, you curſe, you plague

disjuncta gentibus, in ſinu pacis poſita, medio fere Græciæ gremio continetur (ô pœna, ô furia ſociorum!) decedens miſeram perdidiſti. (63.) Arſinoën, Stratum, Naupactum, ut modo tute indicaſti, nobiles urbes atque plenas, fateris ab hoſtibus eſſe captas; quibus autem hoſtibus? nempe iis, (64.) quos tu Ambraciæ ſedens, primo tuo adventu (65.) ex oppidis Agrinarum atque Dolopum demigrare, & aras & focos relinquere coegiſti. Hoc tu in exitu, præclare imperator, cum tibi ad priſtinas clades acceſſio fuiſſet Ætoliæ repentinus interitus, exercitum dimiſiſti: neque ullam pœnam, quæ tanto facinori deberetur, non maluiſti ſubire, quam numerum tuorum militum reliquiaſque cognoſcere.

XXXVIII. Atque ut duorum Epicureorum ſimilitudinem in re militari imperioque videatis: Albucius cum in Sardinia triumphaſſet, Romæ damnatus eſt; hic cum ſimilem exitum ſperaret, in Macedonia tropæa poſuit: eaque, quæ bellicæ laudis victoriæque omnes gentes inſignia & monumenta eſſe voluerunt, noſter hic præpoſterus imperator, amiſſorum oppidorum, cæſarum legionum, provinciæ præſidio & reliquis militibus orbatæ, ad ſempiternum dedecus ſui generis & nominis funeſta indicia conſtituit; idemque, ut eſſet, quod in baſi tropæorum incidi inſcribique poſſet, Dyrrhachium ut venit, decedens, obſeſſus eſt ab iis ipſis militibus, quos paullo ante Torquato reſpondit beneficii cauſa abs ſe eſſe dimiſſos; quibus cum juratus affirmaſſet, ſe, quæ deberentur, poſtero die perſoluturum, domum ſe abdidit: inde nocte intempeſta, crepidatus, veſte ſervili, navem conſcendit, Brunduſiumque vitavit, & ultimas Hadriani maris oras petivit: cum interim Dyrrhachii milites domum, in qua iſtum eſſe arbitrabantur, obſidere cœperunt, & cum latere hominem putarent, ignes circumdederunt; quo metu commoti Dyrrhachini, profugiſſe noctu crepidatum imperatorem indicaverunt; illi autem ſtatuam iſtius perſimilem, quam ſtare celeberrimo in loco voluerat, ne ſuaviſſimi hominis memoria moreretur, deturbant, affligunt, comminuunt, diſſipant; ſic odium, quod in ipſum attulerant, id in ejus imaginem ac ſimulacrum profuderunt. Quæ cum ita ſint, non dubito, quin, cum hæc, quæ excellunt, me noſſe videas, non exſtimes, mediam illam partem & turbam flagitiorum tuorum mihi eſſe inauditam; nihil eſt, quod me hortere; nihil eſt, quod invites; admoneri me ſatis eſt; admonebit autem nemo alius, niſi reipublicæ tempus:

NOTES.

(63.) *Arſinoën, Stratum, Naupactum.*] The firſt of theſe is a city of Ætolia, a ſmall country in Achaia; the ſecond, of Acarnania in Thrace; the third, the capital of Ætolia, now Lepanto.

(64.) *Quos tu Ambraciæ ſedens.*] Ambracia was a famous city of Theſprotia in Epirus, near the river Acheron. After Auguſtus had conquered M. Antony, in memory of his victory he called this city Nicopolis.

(65.) *Ex oppidis Agrinarum et Dolopum.*] The former of theſe inhabited Ætolia, the latter Epirus.

of our allies! you ruined poor Ætolia, which is at a great diſtance from the barbarous nations, ſeated in the boſom of peace, and ſituated almoſt in the center of Greece. You confeſs, by what you juſt now declared, that the rich and noble cities of Arſinoe, Stratum and Naupactum, were taken by enemies. But by what enemies? why thoſe whom, upon your firſt arrival, whilſt you was amuſing yourſelf at Ambracia, you forced to quit the towns of the Agreans and Dolopians, and to relinquiſh their altars and dwellings. Upon this, when you had added the ſudden ruin of Ætolia to your former outrages, like a renowned general, you diſmiſſed your army, and choſe rather to undergo any puniſhment, that was due to ſo ſhameful an action, than take an account of the remains of your troops.

SECT. XXXVIII. But to ſhew you the reſemblance between two Epicureans in their military character, Albucius, after having triumphed in Sardinia, was condemned at Rome. Piſo, whilſt he expected the ſame fate, raiſed trophies in Macedonia; and thus, what other nations have deſigned as public memorials of warlike fame and ſucceſs, this general of ours, to the eternal diſgrace of his name and family, has raiſed to a quite contrary purpoſe, to ſerve as fatal monuments of cities loſt, legions ſlaughtered, and provinces ſtripped of their troops, and all manner of defence: And that there might be ſomething to be engraved upon the baſis of his trophies, when he came to Dyrrachium, he was, at his departure, inveſted by thoſe very ſoldiers whom he told Torquatus not long ago he had freely diſmiſſed on account of their ſervices. After having ſworn to them that he would next day pay them all their arrears, he ſhut himſelf up at home; but at midnight he went on board a ſhip, with ſandals on his feet, and in the habit of a ſlave, kept clear of Brunduſium, and ſteered for the remoteſt coaſt of the Adriatic. The ſoldiers at Dyrrachium, in the mean time, thinking he was ſtill in the houſe, began to inveſt it; and, imagining that the fellow concealed himſelf, ſet fire to every quarter of it: The inhabitants of Dyrrachium being alarmed at this, aſſured them that their general had made his eſcape by night in his ſandals. Upon this the ſoldiers threw down, broke to pieces, and ſcattered about a ſtatue of his, which was very like him, and which he ordered to be raiſed in the moſt public place, that the memory of ſo agreeable a gentleman might not be loſt; thus diſcharging upon his image and effigies that hatred, which they were fired with againſt himſelf. Having ſaid thus much therefore, I make no queſtion but that, as you ſee I am no ſtranger to your flagrant enormities, you'll imagine I am acquainted with the whole detail and ſeries of your crimes. You need not therefore exhort me; you need not ſolicit me: my being put in mind is ſufficient. The time that ſuits the ſtate, how-

tempus: quod mihi quidem magis videtur, quam tu unquam arbitratus es, appropinquare.

XXXIX. Ecquid vides, ecquid ſentis (66.) lege judiciaria lata, quos poſthac judices ſimus habituri? non æque legetur, quiſquis voluerit; nec, quiſquis noluerit, non legetur, nulli conjicientur in illum ordinem, nulli eximentur: non ambitio ad gratiam, non iniquitas ad ſimulationem conjicietur; judices judicabunt ii, quos lex ipſa, non quos hominum libido delegerit. Quod cum ita ſit, mihi crede, neminem invitus invitabis: res ipſa, & reipublicæ tempus aut me ipſum, quod nolim, aut alium quempiam, aut invitabit, aut dehortabitur. Equidem, ut paullo ante dixi, non eadem ſupplicia eſſe in hominibus exiſtimo, quo fortaſſe plerique, damnationes, expulſiones, neces: denique nullam mihi pœnam videtur habere id, quod accidere innocenti, quod forti, quod ſapienti, quod bono viro & civi poteſt. Damnatio iſta, quæ in te flagitatur, obtigit P. Rutilio: quod ſpecimen habuit hæc civitas innocentiæ. Major mihi judicum, & reipublicæ pœna illa viſa eſt, quàm Rutilii. L. Opimius ejectus eſt patria (67.) is qui Prætor & Conſul maximis rempubl. periculis liberarat: non in eo, cui facta eſt injuria, ſed in iis quæ fecerunt, ſceleris ac conſcientiæ pœna remanſit. At contra bis Catilina abſolutus: (68.) emiſſus etiam ille auctor tuus provinciæ, cum ſtuprum Bonæ Deæ pulvinaribus intuliſſet; quis fuit in tanta civitate, qui illum inceſto liberatum, non eos, qui ita judicarunt, pari ſcelere adſtrictos arbitraretur?

XL. An ego exſpectem, dum de te quinque & ſeptuaginta tabellæ diribeantur, de quo jampridem omnes mortales omnium generum, ætatum, ordinum judicaverunt? quis enim te aditu, quis ullo honore, quis denique communi ſalutatione dignum putet? omnes memoriam conſulatus tui, facta, mores, faciem denique ac nomen à republica

NOTES.

(66.) *Lege judiciaria lata.*] The law here referred to, was that promulgated by Pompey in his ſecond conſulſhip, in which this oration was made; whereby the judges were to be choſen otherwiſe than formerly, out of the richeſt in every century; confined, however, to the Senatorian and Equeſtrian orders, together with the *tribuni ærarii*, according to the Aurelian law.

(67.) *Is qui Prætor & Conſul maximis rempublicam periculis liberarat.*] In the year of Rome 628, the people of Fregellæ, a town not far from the Liris, formed a plot to throw off the Roman yoke. L. Opimius, then prætor, was ſent with an army againſt them; their city was delivered into his hands by the treachery of Numitorius, and he raſed it to the ground: By which piece of ſeverity he is ſaid to have deterred many other Italian towns from breaking out into rebellion, to which, provoked by their diſappointment in relation to the freedom of Rome, they were ſtrongly inclined. In his conſulſhip too, he had full power given him by the ſenate to do as he thought fit for the good of the ſtate, in regard to the diſturbances occaſioned by C. Gracchus, which he put an end to, tho' not without the effuſion of much blood: And, notwithſtanding the praiſes our orator beſtows upon him, it is certain he acted, on this occaſion, a very cruel and violent part.

(68.) *Emiſſus etiam ille auctor tuus provinciæ, cum ſtuprum Bonæ Deæ pulvinaribus intuliſſet.*]

ever, ſhall be my only direction in this; and that time appears to me to be nearer than you ever imagined.

SECT. XXXIX. Do you not ſee, do you not perceive, what judges we ſhall have for the future, according to the law concerning the qualifications of judges? It will not be in the power of every perſon to be choſen or not, as he pleaſes. No man will be obtruded upon that order, and none arbitrarily exempted: Intereſt ſhall not be procured there by canvaſſing for it, nor guilt be covered by hypocriſy. Such judges alone ſhall be choſen, as the law, not the humours of men, ſhall make choice of. When this is the caſe, believe me, you ſhall have no occaſion to provoke an impeachment: The thing itſelf, and the convenience of the ſtate ſhall invite or diſſuade either myſelf, who have no mind to be engaged in it, or ſome other perſon. And to repeat what I have but lately ſaid, I am far from thinking, with moſt men, that condemnation, baniſhment and death, ſerve alike for puniſhments to all: In a word, I ſee no puniſhment in what may befal an innocent, a brave, a wiſe, a good man, or a worthy patriot. That condemnation, which all deſire to ſee you fall under, was the lot of Pub. Rutilius, who was looked upon by this ſtate as a pattern of integrity; but, in my opinion, the judges and the republic were puniſhed more than Rutilius. L. Opimius was driven from his country, who, in his prætorſhip and conſulate, had delivered the ſtate from the greateſt dangers; but the penalty of guilt, and the pangs of remorſe did not fall upon him who received the injury, but upon thoſe who inflicted it. Catiline, on the other hand, was twice acquitted, and even the wretch to whom you owe your province eſcaped, though he polluted the ſhrines of the BONA DEA. Was there a man in this great city who thought that this cleared him of his abominable impiety, or that his judges were not equally guilty?

SECT. XL. Am I to wait till ſeventy-five tablets are diſtributed in your cauſe, when men of all ranks, ages and conditions, have long ſince pronounced you guilty? For where is the man that thinks you worthy of being viſited, of receiving the ſmalleſt honour, or even a common ſalutation? The memory of your conſulſhip, your actions, your character; in a word, your very looks and name are abhorred

NOTES.

intuliſſet.] The pollution of the myſteries of the Bona Dea by Clodius, raiſed a general ſcandal through Rome, and was looked upon as a heinous offence to good manners, and the diſcipline of the republic. The honeſt of all ranks were for puſhing this advantage againſt Clodius as far as it would go, in hopes thereby to rid themſelves of ſo peſtilent a citizen, who ſeemed born to raiſe diſturbances in the ſtate. Accordingly a law was publiſhed for bringing him to a trial before the prætor, with a ſelect bench of judges: but every art and inſtrument of corruption being employed by the Clodian party, twenty-five of the judges only condemned, while thirty-one abſolved him.

republica deteſtantur. Legati, qui unâ fuere, alienati; tribuni militum inimici: centuriones, & ſi qui ex tanto exercitu reliqui milites exſiſtunt, non dimiſi abs te, ſed diſſipati te oderunt, tibi peſtem exoptant, te exſecrantur. Achaia exhauſta: Theſſalia vexata: laceratæ Athenæ: Dyrrhachium & Apollonia exinanita: Ambracia direpta: Parthini & Bullienſes illuſi; Epirus exciſa; Locri, Phocii, Bœotii exuſti: (69.) Acarnania, Amphilochia, Perrhæbia, Athamanumque gens vendita: Macedonia condonata barbaris: Ætolia amiſſa: Dolopes finitimique montani oppidis atque agris exterminati: cives Rom. qui in iis locis negotiantur, te unum ſolum ſuum depeculatorem, vexatorem, prædonem, hoſtem, veniſſe ſenſerunt. Ad horum omnium judicia tot atque tanta, domeſticum judicium acceſſit ſententiæ damnationis tuæ: occultus adventus, furtivum iter per Italiam, introitus in urbem deſertus ab amicis, nullæ ad Senatum è provincia literæ, nulla ex trinis æſtivis gratulatio, nulla triumphi mentio: non modo, quid geſſeris, ſed ne quibus in locis quidem fueris, dicere audes. Ex illo fonte & ſeminario triumphorum cùm arida folia laureæ retuliſſes, cùm ea abjecta ad portam reliquiſti, tum tu ipſe de te (70.) FECISSE VIDERI pronuntiaviſti; qui ſi nihil geſſeras dignum honore, ubi exercitus? ubi ſumptus? ubi imperium? ubi illa uberrima ſupplicationibus triumphiſque provincia? ſin autem aliquid ſperare volueras, ſi cogitaras id, quod imperatoris nomen, quod laureati faſces, quod illa tropæa, plena dedecoris & riſus, te commentatum eſſe declarant: quis te miſerior? quis te damnatior, qui neque ſcribere ad Senatum à te bene rempublicam eſſe geſtam, neque præſens dicere auſus es?

XLI. An tu mihi (cui ſemper ita perſuaſum fuerit, non eventis, ſed factis cujuſque fortunam ponderari, neque in tabellis paucorum judicum, ſed in ſententiis omnium civium famam noſtram fortunamque pendere) te indemnatum videri putas, quem ſocii, quem fœderati, quem liberi populi, quem ſtipendiarii, quem negotiatores, quem publicani, quem univerſa civitas, quem legati, quem tribuni militares, quem reliqui milites, qui ferrum, qui famem, qui mortem effugerunt,

NOTES.

(69.) *Acarnania, Amphilochia, Perrhæbia, Athamanumque gens, vendita.*] Acarnania was a part of Epirus, now Carnia; Amphilochia was a ſmall country bordering upon Acarnania; Perrhæbia was a town of Macedonia; the Athamanes were a people of Ætolia.

(70.) *Feciſſe videri.*] This is a form of words made uſe of by the judges when they condemned a criminal.

abhorred by every body, and all men wiſh them baniſhed from the commonwealth. The lieutenants who accompanied you have no regard for you; the military tribunes are your foes; the centurions, and the ſoldiers that remain of your great army, if any do remain, who were not diſmiſſed but diſperſed by you, hate and abhor you; and pray for plagues to fall upon you. Achaia utterly ruined by you, Theſſaly ravaged, Athens torn to pieces, Dyrrachium and Apollonia deſtroyed, Ambracia pillaged, the Parthini and Bulienſes abuſed, Epire demoliſhed, the Locrians, Phocians and Bœotians burnt out of their dwellings, Acarnania, Amphilochia, Perrhæbia, and the country of the Athamanians ſold, Macedon given up to the Barbarians, Ætolia loſt, the Dolopians and inhabitants of the neighbouring mountains driven from their towns and lands; in a word, the Roman citizens who trade in thoſe places, are all ſenſible that in your ſingle perſon they found a plunderer, an oppreſſor, a robber, and an enemy. To thoſe ſo numerous and weighty teſtimonies againſt you, is added the teſtimony of your own conſcience, which pronounces your condemnation: your ſecret approach, your clandeſtine journey through Italy, your not having a friend to attend you when you entered the city, your ſending no letters to the ſenate from your province; no congratulations upon your three ſummer campaigns; no mention of a triumph; your not daring to give an account of your actions; nay, nor even of the places where you have been. When you brought back your withered laurels from that ſource and nurſery of triumphs, when you threw theſe away at the gates of Rome, you then pronounced your own condemnation. If you did nothing deſerving of honour, where is your army? where have you ſpent your money? what is become of your command? what of your province, ſo fertile in thankſgivings and triumphs? But if you entertained any hopes, if you had thoſe thoughts, which it is evident you had, from that title of emperor, from thoſe laurel'd faſces, and thoſe ſhameful ridiculous trophies, can any perſon be more miſerable than you, can any perſon fall under greater condemnation, ſince you neither durſt write to the ſenate that you had ſerved your country, nor declare it in their preſence?

SECT. XLI. Have you the impudence to tell me, who have always been of opinion, that every man's fortune is to be weighed not by events, but by actions; that our fame and glory does not depend upon the ſuffrages of a few judges, but upon the ſentiments of all our fellow-citizens? Do you think that you appear to be uncondemned, you, whom our allies, whom our confederates, whom free nations, whom tributaries, whom traders, whom the officers of the revenue, whom the whole ſtate, whom your lieutenants, whom the military tribunes, whom the remains of our army, that have

effugerunt, omni cruciatu digniſſimum putant? cui non apud Senatum, non apud ullum ordinem, non apud equites Romanos, non in urbe, non in Italia maximorum ſcelerum venia ulla ad ignoſcendum dari poſſit? qui ſe ipſum oderit, qui metuat omnes, qui ſuam cauſam nemini committere audeat, qui ſe ipſe condemnet? Nunquam ego ſanguinem expetivi tuum: nunquam illud extremum, quod poſſet eſſe improbis & probis commune, ſupplicium legis ac judicii: ſed abjectum, contemptum, deſpectum à cæteris, à te ipſo deſperatum & relictum, circumſpectantem omnia, quidquid increpuiſſet pertimeſcentem, diffidentem tuis rebus, ſine voce, ſine libertate, ſine auctoritate, ſine ulla ſpecie Conſulari, horrentem, trementem, adulantem omnes videre te volui: vidi. Quare ſi tibi evenerit, quod metuis, ne accidat; equidem non moleſte feram: ſin id tardius forte fiet, fruar tamen tua indignitate: nec minus libenter metuentem videbo, ne reus fias, quam reum: nec minus lætabor, cum te ſemper ſordidum, quam ſi paulliſper ſordidatum viderem.

ORA-

eſcaped from the ſword, from famine, and from death, think highly worthy of the ſevereſt puniſhment? You who can never be forgiven your enormous crimes, neither by the ſenate, nor by the Roman knights, nor by any order of men in the ſtate; neither in the city, nor in any part of Italy? You who hate yourſelf, who fear every body, who dare truſt your cauſe to no perſon, and who ſtand condemned by your own judgment? I never thirſted for your blood, I never wiſhed for that heavieſt puniſhment which is inflicted by our laws, which the virtuous may be expoſed to as well as the vicious; but I wiſhed to ſee you abject, contemptible, deſpiſed by others, abandoned by yourſelf, given over to deſpair, alarmed at every thing, frightned at the leaſt noiſe, diſtruſtful of your circumſtances, without a voice, without liberty, without authority, without the leaſt ſhadow of conſular dignity, ever fearful, ever trembling, and the ſervile flatterer of all you met; this I wiſhed to ſee, and this I have ſeen. If what you dread, therefore, ſhould befal you, I ſhall not indeed be ſorry at it; but if that ſhould be a ſlow event, I ſhall ſtill enjoy your infamy; nor will it give me leſs pleaſure to ſee you dreading an impeachment, than if I ſaw you impeached; nor leſs joy to ſee you always deſpicable, than to ſee you in a ſordid habit only for a while.

ORATIO XII.

Pro T. ANNIO MILONE*.

I. ETSI vereor, Judices, ne turpe ſit, pro fortiſſimo viro dicere incipientem timere; minimeque deceat, cum T. Annius [Milo] ipſe magis de reipublicæ ſalute, quàm de ſua perturbetur, me ad ejus cauſſam parem animi magnitudinem afferre non poſſe; (1.) tamen hæc novi judicii nova forma terret oculos: qui quocunque inciderunt, veterem conſuetudinem fori, & priſtinum morem judiciorum requirunt; non enim coronâ conſeſſus veſter cinctus eſt, ut ſolebat: non uſitata frequentia ſtipati ſumus; nam illa præſidia, quæ pro templis omnibus cernitis, etſi contra vim collocata ſunt, non

NOTES.

* This beautiful oration was made in the 55th year of Cicero's age upon the following occaſion. In the year of Rome 701, T. Annius Milo, Q. Metellus Scipio, and P. Plautius Hypſæus ſtood candidates for the conſulſhip; and, according to Plutarch, puſhed on their ſeveral intereſts with ſuch open violence and bribery, as if it had been to be carried only by money or arms. P. Clodius, Milo's profeſſed enemy, ſtood at the ſame time for the prætorſhip, and uſed all his intereſt to diſappoint Milo, by whoſe obtaining the conſulſhip he was ſure to be controuled in the exerciſe of his magiſtracy. The ſenate and the better ſort were generally in Milo's intereſt; and Cicero, in particular, ſerved him with diſtinguiſhed zeal: Three of the tribunes were violent againſt him, the other ſeven were his faſt friends; above all M. Cœlius, who, out of regard to Cicero, was very active in his ſervice. But whilſt matters were proceeding in a very favourable train for him, and nothing ſeemed wanting to crown his ſucceſs, but to bring on the election, which his adverſaries, for that reaſon, endeavoured to keep back; all his hopes and fortunes were blaſted at once by an unhappy rencounter with Clodius, in which Clodius was killed by his ſervants, and by his command. His body was left in the Appian road, where it fell, but was taken up ſoon after by Tedius, a ſenator, who happened to come by, and brought it to Rome; where it was expoſed, all covered with blood and wounds, to the view of the populace, who flocked about it in crowds to lament the miſerable fate of their leader. The next day, Sextus Clodius, a kinſman of the deceaſed, and one of his chief incendiaries, together with the three tribunes Milo's enemies, employed all the arts of party and faction to inflame the mob, which they did to ſuch a height of fury, that ſnatching up the body, they ran away with it into the ſenate-houſe, and tearing up the benches, tables, and every thing combuſtible, dreſſed up a funeral pile upon the ſpot; and, together with the body, burnt the houſe itſelf, with a *baſilica* or public hall adjoining. Several other outrages were committed, ſo that the ſenate were obliged to paſs a decree, *that the interrex, aſſiſted by the tribunes and Pompey,*

ORATION XII.

For T. ANNIUS MILO.

SECT. I. THO' I am apprehenſive, my Lords, it may ſeem a reflection on a perſon's character to diſcover any ſigns of fear, when he is entering on the defence of ſo brave a man, and particularly unbecoming in me, that when T. Annius Milo himſelf is more concerned for the ſafety of the ſtate than his own, I ſhould not be able to maintain an equal greatneſs of mind in pleading his cauſe; yet I muſt own, the unuſual manner in which this new kind of trial is conducted, ſtrikes me with a kind of terror, while I am looking around me, in vain, for the ancient uſages of the forum, and the forms that have been hitherto obſerved in our courts of judicature. Your bench is not ſurrounded with the uſual

NOTES.

Pompey, ſhould take care, that the republic received no detriment; and that Pompey, in particular, ſhould raiſe a body of troops for the common ſecurity; which he preſently drew together from all parts of Italy. Amidſt this confuſion, the rumor of a dictator being induſtriouſly ſpread, and alarming the ſenate, they reſolved preſently to create Pompey the ſingle conſul, whoſe election was accordingly declared by the inter-rex, after an inter-regnum of near two months. Pompey applied himſelf immediately to quiet the public diſorders, and publiſhed ſeveral new laws, prepared by him for that purpoſe; one of them was, to appoint a ſpecial commiſſion to enquire into Clodius's death, *&c.* and to appoint an extraordinary judge, of conſular rank, to preſide in it. He attended Milo's trial himſelf with a ſtrong guard to preſerve peace: The accuſers were young Appius, the nephew of Clodius, M. Antonius, and P. Valerius. Cicero was the only advocate on Milo's ſide; but as ſoon as he roſe up to ſpeak, he was received with ſo rude a clamor by the Clodians, that he was much diſcompoſed and daunted at his firſt ſetting out: He recovered ſpirit enough, however, to go through his ſpeech, which was taken down in writing, and publiſhed as it was delivered; though the copy of it now extant is ſuppoſed to have been re-touched, and corrected by him afterwards, for a preſent to Milo, who was condemned, and went into exile at Marſeilles, a few days after his condemnation.

(1.) *Tamen hæc novi judicii nova forma terret oculos.*] The reaſon why Cicero calls this a new trial is, becauſe Milo was not tried by the acting prætor, as was uſual in criminal caſes, but by a ſpecial commiſſion and an extraordinary judge. By the *nova forma* he refers to the ſtrong guard which Pompey brought to the trial, in order to prevent any violence.

non afferunt tamen oratori aliquid, ut in foro & in judicio, quanquam, præſidiis ſalutaribus & neceſſariis ſepti ſumus, tamen ne non timere quidem ſine aliquo timore poſſimus; quæ ſi oppoſita Miloni putarem, cederem tempori, Judices, nec inter tantam vim armorum exiſtimarem oratori locum eſſe; ſed me recreat & reficit (2.) Cn. Pompeii, ſapientiſſimi & juſtiſſimi viri, conſilium: qui profecto nec juſtitiæ ſuæ putaret eſſe, quem reum ſententiis judicum tradidiſſet, eundem telis militum dedere; nec ſapientiæ, temeritatem concitatæ multitudinis auctoritate publica armare. Quamobrem illa arma, centuriones, cohortes, non periculum nobis, ſed præſidium denuntiant: neque ſolum, ut quieto, ſed etiam ut magno animo ſimus, hortantur: neque auxilium modo defenſioni meæ, verum etiam ſilentium pollicentur. (3.) Reliqua verò multitudo, quæ quidem eſt civium, tota noſtra eſt: neque eorum quiſquam, quos undique intuentes ex hoc ipſo loco cernitis, unde aliqua pars fori aſpici poteſt, & hujus exitum judicii exſpectantes videtis, non cùm virtuti Milonis favet, tum de ſe, de liberis ſuis, de patria, de fortunis hodierno die decertari putat.

II. Unum genus eſt adverſum infeſtumque nobis, eorum quos P. Clodii furor rapinis, incendiis, & omnibus exitiis publicis pavit: (4.) qui heſterna etiam concione incitati ſunt, ut vobis voce præirent, quid judicaretis; quorum clamor ſi quis forte fuerit, admonere vos debebit, ut eum civem retineatis, qui ſemper genus illud hominum, clamoreſque maximos pro veſtra ſalute neglexit. Quamobrem adeſte animis, Judices, & timorem, ſi quem habetis, deponite. Nam ſi unquam de bonis & fortibus viris, ſi unquam de bene meritis civibus poteſtas vobis judicandi fuit: ſi denique unquam locus (5.) ampliſſimorum ordinum delectis viris datus eſt, ubi ſua ſtudia erga fortes & bonos cives, quæ vultu & verbis ſæpe ſignificaſſent, re & ſententiis declararent: hoc profecto tempore eam poteſtatem

NOTES.

(2.) *Cn. Pompeii, ſapientiſſimi & juſtiſſimi viri.*] Tho' Pompey was not concerned for Clodius's death, or the manner of it, but pleaſed rather, that the republic was freed at any rate from ſo peſtilent a demagogue; yet he reſolved to take the benefit of the occaſion, for getting rid of Milo too; from whoſe ambition and high ſpirit, he had reaſon to apprehend no leſs trouble. Cicero being ſenſible of this, as well as of the great authority and influence of Pompey, endeavours, through the whole of this oration, to remove the effects which they might have upon the minds of the judges.

(3.) *Reliqua vero multitudo, quæ quidem eſt civium, tota noſtra eſt.*] The Clodian party conſiſted, principally, of a ſett of profligate, low, and abandoned wretches; whom Clodius, by his rapines, had gained over to his intereſt: To theſe Cicero does not allow the name of citizens, on account of their infamous characters, and ſeditious practices.

(4.) *Qui heſterna etiam concione incitati ſunt, ut vobis voce præirent, quid judicaretis.*] Munatius Plancus Burſa, one of the three tribunes in oppoſition to Milo, the very day before this oration was delivered, called the people together, and exhorted them to appear in a full body the next day, when judgment was to be given, and to declare their ſentiments in ſo public a manner, that the criminal might not be ſuffered to eſcape; which Cicero reflects upon as an inſult on the liberty of the bench.

(5.)

circle; nor is the crowd ſuch as uſed to throng us. For thoſe guards you ſee planted before all the temples, however intended to prevent all violence, yet ſtrike the orator with terror; ſo that even in the forum and during a trial, tho' attended with an uſeful and neceſſary guard, I cannot help being under ſome apprehenſions, at the ſame time I am ſenſible they are without foundation. Indeed if I imagined it was ſtationed there in oppoſition to Milo, I ſhould give way, my Lords, to the times; and conclude there was no room for an orator in the midſt of ſuch an armed force. But the prudence of Pompey, a man of ſuch diſtinguiſhed wiſdom and equity, both chears and relieves me; whoſe juſtice will never ſuffer him to leave a perſon expoſed to the rage of the ſoldiery, whom he has delivered up to a legal trial; nor his wiſdom, to give the ſanction of public authority to the outrages of a furious mob. Wherefore thoſe arms, thoſe centurions and cohorts, are ſo far from threatening me with danger, that they aſſure me of protection; they not only baniſh my fears, but inſpire me with courage; and promiſe that I ſhall be heard not merely with ſafety, but with ſilence and attention. As to the reſt of the aſſembly, thoſe, at leaſt, that are Roman citizens, they are all on our ſide; nor is there a ſingle perſon of all that multitude of ſpectators, whom you ſee on all ſides of us, as far as any part of the forum can be diſtinguiſhed, waiting the event of the trial, who, while he favours Milo, does not think his own fate, that of his poſterity, his country, and his property likewiſe at ſtake.

SECT. II. There is indeed one ſett of men our inveterate enemies; they are thoſe whom the madneſs of P. Clodius has trained up, and ſupported by plunder, firing of houſes, and every ſpecies of public miſchief; who were ſpirited up by the ſpeeches of yeſterday, to dictate to you what ſentence you ſhould paſs. If theſe ſhould chance to raiſe any clamour, it will only make you cautious how you part with a citizen who always deſpiſed that crew, and their loudeſt threatenings, where your ſafety was concerned. Act with ſpirit then, my Lords, and if you ever entertained any fears, diſmiſs them all. For if ever you had it in your power to determine in favour of brave and worthy men, or of deſerving citizens; in a word, if ever any occaſion was preſented to a number of perſons ſelected from the moſt illuſtrious orders, of declaring, by their actions and their votes, that regard for the brave and virtuous, which they had often expreſſed by their looks and words; now is the

NOTES.

(5.) *Ampliſſimorum ordinum delectis viris.*] The judges in this trial were choſen from the ſenatorian and equeſtrian orders; and Aſconius tells us that they were perſons of great abilities and unqueſtionable integrity.

teſtatem omnem vos habetis, ut ſtatuatis, utrum nos, qui ſemper veſtræ auctoritati dediti fuimus, ſemper miſeri lugeamus; an diu vexati à perditiſſimis civibus, aliquando per vos ac veſtram fidem, virtutem, ſapientiamque recreemur. Quid enim nobis duobus, Judices, laborioſius? quid magis ſolicitum, magis exercitum dici aut fingi poteſt? qui ſpe ampliſſimorum præmiorum ad rempublicam adducti metu crudeliſſimorum ſuppliciorum carere non poſſumus. Equidem cæteras tempeſtates & procellas in illis duntaxat fluctibus concionum ſemper putavi Miloni eſſe ſubeundas, quòd ſemper pro bonis contra improbos ſenſerat: in judicio verò & in eo conſilio, in quo ex cunctis ordinibus ampliſſimi viri judicarent, nunquam exiſtimavi ſpem ullam eſſe habituros Milonis inimicos, ad ejus non ſalutem modo exſtinguendam, ſed etiam gloriam per tales viros infringendam. Quanquam in hac cauſa, Judices, T. Annii tribunatu, rebuſque omnibus pro ſalute reipublicæ geſtis, ad hujus criminis defenſionem non abutemur, (6.) niſi oculis videritis inſidias Miloni à Clodio eſſe factas: nec deprecaturi ſumus, ut crimen hoc nobis, multa propter præclara in rempublicam merita condonetis: nec poſtulaturi, ut, ſi mors P. Clodii ſalus veſtra fuerit, idcirco eam virtuti Milonis potius quàm populi Romani felicitati aſſignetis; ſin illius inſidiæ clariores hac luce fuerint, tum denique obſecrabo obteſtaborque vos, Judices, ſi cætera amiſimus, hoc ſaltem nobis ut relinquatur, ab inimicorum audacia teliſque vitam ut impune liceat defendere.

III. Sed antequam ad eam orationem venio, quæ eſt propria noſtræ quæſtionis, videntur ea eſſe refutanda, quæ & in Senatu ab inimicis ſæpe jactata ſunt, & in concione ſæpe ab improbis, & jam paullo ante ab accuſatoribus; ut omni errore ſublato, rem plane, quæ venit in judicium, videre poſſitis. (7.) Negant intueri lucem eſſe fas ei, qui à ſe hominem occiſum eſſe fateatur. In qua tandem urbe hoc homines ſtultiſſimi diſputant? nempe in ea, quæ primum judicium de capite vidit (8.) M. Horatii fortiſſimi viri: qui nondum libera

NOTES.

(6.) *Niſi oculis videritis inſidias Miloni a Clodio factas.*] Several of Milo's friends were of opinion, that he ſhould defend himſelf, by avowing the death of Clodius to be an act of public benefit; but Cicero thought that defence too deſperate, as it would diſguſt the grave and conſiderate, by opening ſo great a door to licence; and offend the powerful, leſt the precedent ſhould be extended to themſelves. Accordingly he choſe to riſk the cauſe on another iſſue, and laboured to ſhew that Clodius lay in wait for Milo, and contrived the time and place; and that Milo's part was but a neceſſary act of ſelf defence. He does not preclude himſelf however by this from the other plea, which he frequently takes occaſion to inſinuate, that if Milo had really deſigned and contrived to kill Clodius, he would have deſerved honours inſtead of puniſhment, for cutting off ſo deſperate and dangerous an enemy to the peace and liberty of Rome.

(7.) *Negant intueri lucem eſſe fas ei, qui a ſe hominem occiſum eſſe fateatur.*] The three tribunes who were in oppoſition to Milo, declared for his being put to death; alledging that a man who confeſſes he has killed another, ſhould not be allowed to live.

Cicero

the time for you to exert this power in determining whether we, who have ever been devoted to your authority, ſhall ſpend the remainder of our days in grief and miſery, or after having been ſo long inſulted by the moſt abandoned citizens, ſhall at laſt through your means, by your fidelity, virtue and wiſdom, recover our wonted life and vigour. For what, my Lords, can be mentioned or conceived more grievous to us both; what more vexatious or trying, than that we who entered into the ſervice of our country from the hopes of the higheſt honours, cannot even be free from the apprehenſions of the ſevereſt puniſhments? For my own part, I always took it for granted, that the other ſtorms and tempeſts which are uſually raiſed in popular tumults would beat upon Milo, becauſe he has conſtantly approved himſelf the friend of good men in oppoſition to the bad; but in a public trial, where the moſt illuſtrious perſons of all the orders of the ſtate were to ſit as judges, I never imagined that Milo's enemies could have entertained the leaſt hope not only of deſtroying his ſafety, while ſuch perſons were upon the bench, but even of giving the leaſt ſtain to his honour. In this cauſe, my Lords, I ſhall take no advantage of Annius's tribuneſhip, nor of his important ſervices to the ſtate during the whole of his life, in order to make out his defence, unleſs you ſhall ſee that Clodius himſelf actually lay in wait for him; nor ſhall I intreat you to grant a pardon for one raſh action in conſideration of the many glorious things he has performed for his country; nor require, that if Clodius's death prove a bleſſing to you, you ſhould aſcribe it rather to Milo's virtue, than the fortune of Rome: But if it ſhould appear clearer than the day, that Clodius did really lie in wait, then I muſt beſeech and adjure you, my Lords, that if we have loſt every thing elſe, we may at leaſt be allowed without fear of puniſhment to defend our lives againſt the inſolent attacks of our enemies.

SECT. III. But before I enter upon that which is the proper ſubject of our preſent enquiry, it will be neceſſary to confute thoſe notions which have been often advanced by our enemies in the ſenate, often by a ſet of worthleſs fellows, and even lately by our accuſers before an aſſembly, that having thus removed all ground of miſtake, you may have a clearer view of the matter that is to come before you. They ſay, that a man who confeſſes he has killed another ought not to be ſuffered to live. But where, pray, do theſe ſtupid people uſe this argument? Why truly, in that very city where the firſt perſon that was ever tried for a capital crime was the brave M. Horatius;

NOTES.

Cicero refutes this argument, in a very artful manner, by producing ſeveral parallel caſes from the hiſtory of Rome.

(8.) *M. Horatii, fortiſſimi viri.*] This was the M. Horatius, who, after both his brothers were ſlain, killed the three Curiatii, in

libera civitate, tamen populi Romani comitiis liberatus eſt, cùm ſua manu ſororem interfectam eſſe fateretur. An eſt quiſquam qui hoc ignoret, cum de homine occiſo quæratur, aut negari ſolere omnino eſſe factum; aut recte ac jure factum eſſe defendi? Niſi verò exiſtimatis dementem P. Africanum fuiſſe, qui cum à C. Carbone tribuno plebis in concione (9.) ſeditioſe interrogaretur, quid de Tiberii Gracchi morte ſentiret, reſpondit, (10.) jure cæſum videri. Neque enim poſſet aut Ahala ille Servilius, aut P. Naſica, aut L. Opimius, aut C. Marius, aut me Conſule, Senatus non nefarius haberi, ſi ſceleratos cives interfici nefas eſſet. Itaque hoc, Judices, non ſine cauſa etiam fictis fabulis doctiſſimi homines memoriæ prodiderunt, eum, qui patris ulciſcendi cauſa matrem necaviſſet, variatis hominum ſententiis, non ſolum divina, ſed etiam Deæ ſapientiſſimæ ſententia liberatum. (11.) Quod ſi duodecim tabulæ nocturnum furem quoquo modo: diurnum autem, ſi ſe telo defenderit, interfici impune voluerunt; quis eſt, qui, quoquo modo quis interfectus ſit, puniendum putet, cum videat aliquando gladium nobis ad occidendum hominem ab ipſis porrigi legibus?

IV.

NOTES.

in that famous combat, under the reign of Tullus Hoſtilius, which gave Rome the ſuperiority over her mother Alba. As he was returning after ſo glorious a victory in a ſort of triumph, his temples encircled with a crown the king had put upon his head, and his ſhoulders loaded with the ſpoils of the three Curiatii, to his great ſurprize, he beheld his ſiſter, unaccompanied by her mother, and without any attendance, hurrying forward in the promiſcuous crowd to meet him. One of the Alban champions had been her lover, and was to have been her huſband. Upon the firſt report of his being ſlain, ſhe had ſtolen from her mother, and was come, running like a diſtracted creature, to learn the certainty of his fate; and, when ſhe ſaw the conqueror bearing in triumph her lover's military robe (which ſhe had wrought with her own hands) ſtained with his blood, ſhe tore her hair, beat her breaſt, and reviled her brother in the bittereſt expreſſions. Horatius, warm with ſlaughter, and enraged at theſe reproaches, and the untimely grief of his ſiſter, killed her upon the ſpot; and, without ſign of pity or remorſe, went ſtraight on to his Father's houſe, who approved of the cruel deed, and refuſed to let his daughter be buried in the ſepulchre of her family. Horatius was arraigned before king Tullus, upon an accuſation of murder, and ſome of the moſt eminent of the citizens concerned themſelves in the proſecution. The king, to avoid the odium he might bring upon himſelf, by either acquitting or condemning the criminal, turned the affair into a ſtate crime, and, calling the people together, named two commiſſioners or duumviri, to try him as a traitor. The fact of which he was accuſed, being notorious, and not diſowned by him, the duumviri, without delay, pronounced ſentence againſt him; and the executioner had already laid hold of him, when by the king's advice, he appealed to an aſſembly of the people; which, through admiration of his courage, rather than for the juſtice of his cauſe, revoked the ſentence that had been paſſed againſt him. However, that the crime might not go wholly unpuniſhed, they condemned him to paſs under the yoke, an ignominy to which they uſually ſubjected priſoners of war who had cowardly ſurrendered their arms.

(9.) *Seditioſè interrogaretur.*] C. Papirius Carbo, in his tribuneſhip, warmly eſpouſed the cauſe of the people againſt the nobility. One day, in a public aſſembly he called to Scipio Africanus, and aſked him, what he thought of the death of Tiberius? Meaning probably, by this queſtion, to draw an anſwer from him that would hurt his credit, either with the ſenate or the people. Scipio, without heſitation declared, that in his opinion, Tiberius was juſtly ſlain. And, when the

Horatius; who, before the ſtate was in poſſeſſion of its liberty, was acquitted by the comitia of the Roman people, tho' he confeſſed he had killed his ſiſter with his own hand. Can any one be ſo ignorant as not to know that in caſes of bloodſhed, the fact is either abſolutely denied, or maintained to be juſt and lawful? Were it not ſo, P. Africanus muſt be reckoned out of his ſenſes, who, when he was aſked in a ſeditious manner by the tribune Carbo, before all the people, what he thought of Gracchus's death? ſaid, that he deſerved to die. Nor can Ahala Servilius, P. Naſica, L. Opimius, C. Marius, or the ſenate itſelf, during my conſulate, be acquitted of the moſt enormous guilt, if it be a crime to put wicked citizens to death. It is not without reaſon therefore, my Lords, that learned men have informed us, tho' in a fabulous manner, how that, when a difference aroſe in regard to the man who had killed his mother in revenge for his father's death, he was acquitted by a divine decree, nay by a decree of the goddeſs of Wiſdom herſelf. And if the twelve tables allow a man, without fear of puniſhment, to take away the life of a thief in the night, in whatever ſituation he finds him; and, in the day time, if he uſes a weapon in his defence; who can imagine that a perſon muſt univerſally deſerve puniſhment for killing another, when he cannot but ſee that the laws themſelves in ſome caſes put a ſword into our hands for this very purpoſe? SECT.

NOTES.

the multitude let him know their diſpleaſure by a loud cry, he boldly returned, 'Ceaſe 'your noiſe: do you think, by your cla-'mour, to frighten *me*, who am uſed, un-'terrified, to hear the ſhouts of embattled 'enemies?'

(10.) *Jure cæſum videri.*] Tiberius Gracchus, in his tribuneſhip, revived the Agrarian law of Licinius Stolo, the total neglect of which was extremely prejudicial to the republic. This drew upon him the diſpleaſure of the ſenate and the rich, who took the fatal reſolution, upon this occaſion, of having recourſe to arms and ſlaughter; and aſſaſſinated, before the temple of Jupiter Capitolinus, a magiſtrate, whoſe perſon, by the laws, was ſacred and inviolable. Mr. Guthrie, in his notes upon this paſſage, charges Gracchus with being the author of many ſeditions, and with violently oppreſſing the ſtate; but it would be difficult, we apprehend, to ſupport ſuch a charge. So far, indeed, was Gracchus from violently oppreſſing the ſtate, that he generouſly undertook to humble the proud and aſpiring nobility, and to deliver the poor from their violent oppreſſions, and loſt his life in the purſuit of ſo glorious an enterpriſe. If his views, his character and conduct be impartially conſidered, we can't but think, with one of the moſt judicious of modern hiſtorians, that he muſt appear the moſt accompliſhed patriot ever Rome produced.

(11.) *Quod ſi duodecim tabulæ noctiurnum furem.*] In the beginning of the Roman ſtate, there was no certain ſtandard of juſtice and equity; but every thing was managed by the ſole authority of the kings. As the conſuls ſucceeded to the regal power, they likewiſe ſucceeded to the prerogative of diſtributing juſtice, by themſelves or their patrician ſubſtitutes; and the judicial proceedings for many years depended only on cuſtom, and the judgment of the court. At laſt, to redreſs this inconvenience, commiſſioners were ſent into Greece, to make a collection of the beſt laws for the ſervice of their country; and, at their return, the *Decemviri* were created, who reduced them into twelve tables. Cicero paſſes high encomiums on theſe laws, and gives it as his opinion, that they were to be preferred to whole libraries of the philoſophers.— The law referred to in this paſſage runs thus: *He that is attacked by a robber in the night, let him not be puniſhed, if he kills him.*

IV. Atqui ſi tempus eſt ullum jure hominis necandi, quæ multa ſunt, certe illud eſt non modo juſtum, verum etiam neceſſarium, cùm vi vis illata defenditur. (12.) Pudicitiam cùm eriperet militi tribunus militaris in exercitu C. Marii, propinquus ejus imperatoris, interfectus ab eo eſt, cui vim afferebat; facere enim probus adoleſcens periculoſe, quàm perpeti turpiter maluit; atque hunc ille vir ſummus ſcelere ſolutum periculo liberavit. Inſidiatori verò & latroni quæ poteſt inferri injuſta nex? Quid comitatus noſtri, quid gladii volunt? quos habere certe non liceret, ſi uti illis nullo pacto liceret. Eſt enim hæc, Judices, non ſcripta, ſed nata lex: quam non didicimus, accepimus, legimus, verum ex natura ipſa arripuimus, hauſimus, expreſſimus; ad quam non docti, ſed facti; non inſtituti, ſed imbuti ſumus: ut ſi vita noſtra in aliquas inſidias, ſi in vim, ſi in tela aut latronum, aut inimicorum incidiſſet; omnis honeſta ratio eſſet expediendæ ſalutis. Silent enim leges inter arma, nec ſe exſpectari jubent, cum ei qui exſpectare velit, ante injuſta pœna luenda ſit, quam juſta repetenda. Etſi perſapienter, & quodammodo tacite, dat ipſa lex poteſtatem defendendi; quæ non modo hominem occidi, ſed eſſe cum telo hominis occidendi cauſa vetat: ut, cùm cauſa, non telum quæreretur, qui ſui defendendi cauſa telo eſſet uſus, non hominis occidendi cauſa habuiſſe telum judicaretur. Quapropter hoc maneat in cauſa, Judices; non enim dubito quin probaturus ſim vobis defenſionem meam, ſi id memineritis, quod obliviſci non poteſtis, inſidiatorem jure interfici poſſe.

V. Sequitur illud, quòd à Milonis inimicis ſæpiſſime dicitur, Cædem, in qua P. Clodius occiſus eſt, (13.) Senatum judicaſſe contra rempublicam eſſe factam. Illam vero Senatus, non ſententiis ſuis ſolum, ſed etiam ſtudiis comprobavit. Quoties enim eſt illa cauſa à nobis acta in Senatu? quibus aſſenſionibus univerſi ordinis? quam nec

NOTES.

(12.) *Pudicitiam cum eriperet militi tribunus militaris in exercitu C. Marii.*] This military tribune, according to Plutarch, who relates the ſtory, was C. Lucius, the nephew of Marius. He made ſeveral unnatural attempts upon the body of one Trebonius, a private ſoldier; who, at laſt, to ſave his honour, put the infamous wretch to death; and when he was ſummoned before Marius, defended what he had done with ſo much ſpirit and reſolution, that his general beſtowed a crown or garland upon him, as a reward of his virtue. The part Marius acted in this affair, Plutarch tells us, contributed more than any thing elſe to raiſe him to the conſulſhip a third time.

(13.) *Senatum judicaſſe contra rempublicam eſſe factam.*] The ſenate had paſſed two decrees, in relation to the caſe of Milo; one was, that the murder of Clodius was an act againſt the ſtate; the other, that the interrex, aſſiſted by the tribunes and Pompey, ſhould take care that the republic received no detriment, and that Pompey in particular, ſhould raiſe a body of troops for the common ſecurity. This being the caſe, Milo's enemies alledged that he was in a manner already condemned by the ſenate. Cicero, in anſwer to this, endeavours, very artfully, to ſhew, that Milo's conduct was ſo far from being condemned, that it was approved, by the ſenate. Milo, he alledges, was not affected by that decree of the ſenate which declared the murder of Clodius to be an act againſt the ſtate, ſince it was not ſuch through his intention, being committed in ſelf-defence, to which he had a natural right.

SECT. IV. But if any circumſtance can be alledged, and undoubtedly there are many ſuch, in which the putting a man to death can be vindicated, that in which a perſon has acted upon the principle of ſelf-defence, muſt certainly be allowed ſufficient to render the action, not only juſt but neceſſary. When a military tribune, a relation of C. Marius, made an unnatural attempt upon the body of a ſoldier in that general's army, he was killed by the man to whom he offered violence; for the virtuous youth choſe rather to expoſe his life to hazard, than ſubmit to ſuch diſhonourable treatment; and he was acquitted by that great man, and delivered from all apprehenſions of danger. But what death can be deemed unjuſt that is inflicted on one who lies in wait for another, on one who is a public robber? To what purpoſe have we a train of attendants? or why are they furniſhed with arms? It would certainly be unlawful to wear them at all, if the uſe of them was abſolutely forbid. For this, my Lords, is not a written, but an innate law: We have not been taught it by the learned, we have not received it from our anceſtors, we have not taken it from books; but it is derived from, it is forced upon us, by nature, and ſtamped in indelible characters upon our very frame: it was not conveyed to us by inſtruction, but wrought into our conſtitution; it is the dictate not of education, but inſtinct, that if our lives ſhould be at any time in danger from concealed or more open aſſaults of robbers or private enemies, every honourable method ſhould be taken for our ſecurity. Laws, my Lords, are ſilent amidſt arms; nor do they require us to wait their deciſions, when by ſuch a delay one muſt ſuffer an undeſerved puniſhment himſelf, rather than inflict it juſtly on another. Even the law itſelf, very wiſely, and in ſome meaſure tacitly, allows of ſelf-defence, as it does not forbid the killing of a man, but the carrying a weapon in order to kill him: Since then the ſtreſs is laid not upon the weapon but the end for which it was carried, he that makes uſe of a weapon only to defend himſelf, can never be condemned as wearing it with an intention to take away a man's life. Therefore, my Lords, let this principle be laid down as the foundation of our plea: for I don't doubt but I ſhall make out my defence to your ſatisfaction, if you only keep in mind what I think it is impoſſible for you to forget, that a man who lies in wait for another may be lawfully killed.

SECT. V. I come now to conſider what is frequently inſiſted upon by Milo's enemies; that the killing of P. Clodius has been declared by the ſenate a dangerous attack upon the ſtate. But the ſenate has declared their approbation of it not only by their ſuffrages, but by the warmeſt teſtimonies in favour of Milo. For how often have I pleaded that very cauſe before them? how great was the ſatisfac-

nec tacitis, nec occultis? quando enim frequentiſſimo Senatu quatuor, ad ſummum quinque ſunt inventi, qui Milonis cauſam non probarent? (14.) declarant hujus ambuſti tribuni plebis illæ intermortuæ conciones, quibus quotidie meam potentiam invidioſe criminabatur, cum diceret, Senatum non quod ſentiret, ſed quod ego vellem, decernere. Quæ quidem ſi potentia eſt appellanda potius, quàm propter magna in rempublicam merita, mediocris in bonis cauſis auctoritas, aut, propter officioſos labores meos, nonnulla apud bonos gratia; appelletur ita ſane, dummodo ea nos utamur pro ſalute bonorum contra amentiam perditorum. Hanc vero quæſtionem, etſi non eſt iniqua, nunquam tamen Senatus conſtituendam putavit: erant enim leges, erant quæſtiones vel de cæde, vel de vi: nec tantum mœrorem ac luctum Senatui mors P. Clodii afferebat, ut nova quæſtio conſtitueretur. (15.) Cujus enim Senatui de illo inceſto ſtupro judicium decernendi poteſtas eſſet erepta; de ejus interitu quis poteſt credere Senatum judicium novum conſtituendum putaſſe? Cur igitur incendium curiæ, (16.) oppugnationem ædium M. Lepidi, cædem hanc ipſam, contra rempub. Senatus factam eſſe decrevit? Quia nulla vis unquam eſt in libera civitate ſuſcepta inter cives non contra rempublicam. Non enim eſt ulla defenſio contra vim unquam optanda, ſed nonnunquam eſt neceſſaria; niſi vero aut ille dies, in quo Tiberius Gracchus eſt cæſus, aut ille, quo Caius, aut quo arma Saturnini oppreſſa ſunt, etiamſi è republ. remp. tamen non vulnerarunt.

VI. Itaque ego ipſe decrevi, cum cædem in Appia factam eſſe conſtaret, non eum, qui ſe defendiſſet, contra rempubl. feciſſe, ſed, cum ineſſet in re vis, & inſidiæ, crimen judicio reſervavi, rem notavi. Quod ſi per furioſum illum tribunum Senatui, quod ſentiebat, perficere licuiſſet, novam quæſtionem nunc nullam haberemus; decernebat enim, ut veteribus legibus tantum modo extra ordinem quæreretur; (17.) diviſa ſententia eſt, poſtulante neſcio quo; nihil enim neceſſe

NOTES.

(14.) *Declarant hujus ambuſti tribuni plebis illæ intermortuæ conciones.*] The following note of Aſconius illuſtrates this paſſage. *Titus Munacius Plancus*, ſays he, *& Q. Pompeius Rufus tribuni plebis, cum contra Milonem Scipioni & Hypſæo ſtuderent, concionati ſunt eo ipſo tempore, plebemque in Milonem accenderunt, quo propter Clodii corpus, curia incenſa eſt: nec prius deſiterunt, quam flamma ejus incendii fugati ſunt e concione. Erant enim tunc roſtra non eo loco, quo nunc ſunt, ſed ad comitium, prope junctа curiæ. Ob hoc T. Munatium ambuſtum tribunum appellat.*

(15.) *Cujus enim de illo inceſto ſtupro judicium decernendi poteſtas ſenatui eſſet erepta.*] When the affair of Clodius's polluting the myſteries of the *Bona Dea* was brought before the ſenate, it was reſolved, to refer it to the college of prieſts, who declared it to be an abominable impiety; upon which the conſuls were ordered to provide a law for bringing Clodius to a trial before the people. But Q. Fuſius Calenus, one of the tribunes, ſupported by all the Clodian faction, would not permit the law to be offered to the ſuffrage of the citizens. The affair being likely to produce great diſorders, Hortenſius propoſed an expedient, which was accepted by both parties, that the tribune Fuſius ſhould publiſh a law for the trial of Clodius by the prætor with a ſelect bench of judges.

(16.)

tion of the whole order? how loudly, how publicly did they applaud me? In the fulleſt houſe, when were there found four, at moſt five, who did not approve of Milo's conduct? This appears plainly from the lifeleſs harangues of that ſinged tribune, in which he was continually inveighing againſt my power, and alledging that the ſenate, in their decree, did not follow their own judgment, but were entirely under my direction and influence. Which, if it muſt be called power, rather than a moderate ſhare of authority in juſt and lawful caſes, to which one may be entitled by ſervices to his country; or ſome degree of intereſt with the worthy part of mankind, on account of my readineſs to exert myſelf in defence of the innocent; let it be called ſo, provided it is employed for the protection of the virtuous againſt the fury of ruffians. But as for this extraordinary trial, tho' I do not blame it, yet the ſenate never thought of granting it; becauſe we had laws and precedents already both in regard to murder and violence: Nor did Clodius's death give them ſo much concern as to occaſion an extraordinary commiſſion. For if the ſenate was deprived of the power of paſſing ſentence upon him for an inceſtuous debauch, who can imagine they would think it neceſſary to grant any extraordinary trial for enquiring into his death? Why then did the ſenate decree that burning the court, the aſſault upon M. Lepidus's houſe, and even the death of this man, were actions injurious to the republic? becauſe every act of violence committed in a free ſtate by one citizen againſt another, is an act againſt the ſtate. For even force in one's own defence is never deſirable, tho' it is ſometimes neceſſary; unleſs indeed it be pretended that no wound was given the ſtate, on the day when the Gracchi were ſlain, and the armed force of Saturninus cruſhed.

SECT. VI. When it appeared, therefore, that a man had been killed upon the Appian way, I was of opinion that the party who acted in his own defence ſhould not be deemed an enemy to the ſtate; but as both contrivance and force had been employed in the affair, I referred the merits of the cauſe to a trial, and admitted of the fact. And if that frantic tribune would have permitted the ſenate to follow their own judgment, we ſhould at this time have had no new commiſſion for a trial: for the ſenate was coming to a reſolution, that the cauſe ſhould be tried upon the old laws, only not according to the uſual forms. A diviſion was made in the vote, at whoſe

NOTES.

(16.) *Oppugnationem ædium M. Lepidi.*] Manutius tells us that the factions of Scipio and Hypſæus ſtormed the houſe of M. Lepidus, the interrex, threw down the images of his anceſtors, and committed a variety of outrages, becauſe he would not hold the comitia for the election of conſuls, whilſt the reſentment of the populace was freſh againſt Milo.

(17.) *Diviſa ſententia eſt.*] When any opinion, propoſed to the ſenate, was thought too general, and to include ſeveral diſtinct articles,

neceſſe eſt omnium me flagitia proferre; ſic reliqua auctoritas Senatus, empta interceſſione, ſublata eſt. At enim Cn. Pompeius rogatione ſua & de re & de cauſa judicavit; tulit enim de cæde, quæ in Appia via facta eſſet, in qua P. Clodius occiſus fuit; quid ergo tulit? nempe, ut quæreretur; quid porro quærendum eſt? factumne ſit? at conſtat; à quo? at patet; vidit etiam in confeſſione facti, juris tamen defenſionem ſuſcipi poſſe; (18.) quod niſi vidiſſet, poſſe abſolvi eum; qui fateretur: cum videret nos fateri; neque quæri unquam juſſiſſet, nec vobis (19.) tam ſalutarem hanc in judicando literam, quam illam triſtem dediſſet. Mihi vero Cn. Pompeius non modo nihil gravius contra Milonem judicaſſe, ſed etiam ſtatuiſſe videtur, quid vos in judicando ſpectare oporteret; nam qui non pœnam confeſſioni, ſed defenſionem dedit, is cauſam interitus quærendam, non interitum putavit. Jam illud dicet ipſe profecto, quod ſua ſponte fecit, Publione Clodio tribuendum putarit, an tempori.

VII. Domi ſuæ nobiliſſimus vir, Senatûs propugnator, atque illis quidem temporibus pene patronus, avunculus hujus noſtri judicis, fortiſſimi viri, M. Catonis, (20.) tribunus pleb. M. Druſus occiſus eſt; nihil de ejus morte populus conſultus, nulla quæſtio decreta à Senatu eſt. Quantum luctum in hac urbe fuiſſe à noſtris patribus accepimus, (21.) cùm P. Africano domi ſuæ quieſcenti illa nocturna vis eſſet illata? quis tum non gemuit? quis non arſit dolore? quem immortalem, ſi fieri poſſet, omnes eſſe cuperent, ejus ne neceſſariam quidem expectatam eſſe mortem? Num igitur ulla quæſtio de Africani morte lata eſt? certe nulla. Quid ita? quia non alio facinore clari

NOTES.

articles, ſome of which might be approved, and others rejected; it was uſual to require, that it might be divided; and ſometimes by a general voice of the aſſembly, calling out, *divide, divide.*

(18.) *Quod niſi vidiſſet, poſſe abſolvi eum, qui fateretur.*] It is very obſervable with what addreſs Cicero conducts himſelf, in regard to Pompey, through the whole of this oration. He was very ſenſible what weight and influence Pompey had, and of what conſequence it was to his cauſe to have it thought that he was Milo's friend: Accordingly he inſinuates, in a very artful manner, that he was, tho' he well knew the contrary.

(19.) *Tam ſalutarem hanc in judicando literam, quam illam triſtem.*] He means the letters *A* and *C*; the firſt of which the judges wrote on the tablets, if they meant to acquit, and the other if they meant to condemn: on which account the former is called *ſalutaris*, the latter *triſtis*. See note 12*th* on the oration againſt Cæcilius.

(20.) *Tribunus plebis M. Druſus occiſus eſt.*] M. Livius Druſus was tribune in the year of Rome 631. He was a man of good parts, natural and acquired; a great orator, and very rich. The ſenate, by their ſolicitations, engaged him to combine with them againſt his collegue C. Gracchus, and aſſiſted him in procuring a decree for planting twelve new colonies, each of three thouſand Romans, in order to ſupplant Caius in the eſteem of the people, tho' without any view to their real advantage. He afterwards incurred the diſpleaſure of the ſenate, and was aſſaſſinated in his attempt of publiſhing a law to confer the freedom of the city upon ſome of the principal towns of Italy, to whom he had promiſed it, and who had formed themſelves into a confederacy in order to ſupport their demand of it.

(21.) *Cum P. Africano domi ſuæ quieſcenti illa nocturna vis eſſet illata.*] This was P. Africanus Minor. There are various reports about the violence done to him, and the authors

whoſe requeſt I know not; for it is not neceſſary to expoſe the crimes of every one. Thus the remainder of the ſenate's authority was deſtroyed by a mercenary interpoſition. But, it is ſaid, that Pompey, by the bill which he brought in, decided both upon the nature of the fact in general, and the merits of this cauſe in particular. For he publiſhed a law concerning this encounter in the Appian way, in which P. Clodius was killed. But what was the law? why, that enquiry ſhould be made into it. And what was to be enquired into? whether the fact was committed? but that is not diſputed. By whom? that too is clear. For Pompey ſaw, though the fact was confeſſed, that the juſtice of it might be defended. If he had not ſeen that a perſon might be acquitted, after making his confeſſion, he would never have directed any enquiry to be made, nor have put into your hands, my Lords, an acquitting as well as a favourable letter. But Cn. Pompey ſeems to me not only to have determined nothing ſevere againſt Milo, but even to have pointed out what you are to have in view in the courſe of the trial. For he who did not puniſh the confeſſion of the fact, but allowed of a defence, was ſurely of opinion that the cauſe of the bloodſhed was to be enquired into, and not the fact itſelf. I refer it to Pompey himſelf, whether the part he acted in this affair proceeded from his regard to the memory of P. Clodius, or from his regard to the times.

SECT. VII. M. Druſus, a man of the higheſt quality, the defender, and in thoſe times almoſt the patron of the ſenate, uncle to that brave man M. Cato, now upon the bench, and tribune of the people, was killed in his own houſe. And yet the people were not conſulted upon his death, nor was any commiſſion for a trial granted by the ſenate on account of it. What deep diſtreſs is ſaid to have ſpread over the whole city, when P. Africanus was aſſaſſinated in the night-time as he lay on his own bed? What breaſt did not then ſigh, what heart was not pierced with grief, that a perſon, on whom the wiſhes of all men would have conferred immortality, could wiſhes have done it, ſhould be cut off by ſo early a fate? Was no decree made then for an enquiry into Africanus's death? none. And why? becauſe the crime is the ſame, whether the character

NOTES.

thors of it. Appian ſays, that he was found dead in his bed in the morning, without any appearance of a wound, after having been conducted home from the ſenate-houſe the day before, by the whole body of the ſenators. Plutarch tells us, that it was thought there appeared, on the dead body, ſome marks of blows and violence; that moſt people accuſed Fulvius, Africanus's declared enemy; that there was ſome ſuſpicion even of Caius Gracchus; and that the people, for fear he ſhould be found guilty, would not ſuffer any enquiry into the matter. From this variety of reports about the violence done to him, it ſeems moſt probable, that prejudice and party-ſpirit invented the whole, and that he really died a natural death, which, according to Velleius Paterculus, was the opinion of moſt authors.

clari homines, alio obſcuri necantur. Interſit inter vitæ dignitatem ſummorum atque infimorum: mors quidem illata per ſcelus iiſdem pœnis teneatur & legibus; niſi forte magis erit parricida, ſi quis conſularem patrem, quam ſi quis humilem necaverit: aut eo mors atrocior erit P. Clodii, quod is in monumentis majorum ſuorum ſit interfectus; hoc enim ſæpe ab iſtis dicitur; perinde quaſi Appius ille Cæcus viam munierit, non qua populus uteretur, ſed ubi impune ſui poſteri latrocinarentur. Itaque in eadem iſta Appia via, (22.) cum ornatiſſimum equitem Rom. P. Clodius M. Papirium occidiſſet, non fuit illud facinus puniendum; homo enim nobilis in ſuis monumentis equitem Roman. occiderat. Nunc ejuſdem Appiæ nomen quantas tragœdias excitat? quæ cruentata antea cæde honeſti atque innocentis viri ſilebatur, eadem nunc crebro uſurpatur, poſteaquam latronis & parricidæ ſanguine imbuta eſt. Sed quid ego illa commemoro? (23.) comprehenſus eſt in templo Caſtoris ſervus P. Clodii, quem ille ad Cn. Pompeium interficiendum collocarat; extorta eſt confitenti ſica de manibus; caruit foro poſtea Pompeius, caruit Senatu, caruit publico; janua ſe ac parietibus, non jure legum judiciorumque texit. Num quæ rogatio lata? num quæ nova quæſtio decreta eſt? atqui ſi res, ſi vir, ſi tempus ullum dignum fuit, certe hæc in illa cauſa ſumma omnia fuerunt; inſidiator erat in foro collocatus, atque in veſtibulo ipſo Senatûs: ei viro autem mors parabatur, cujus in vita nitebatur ſalus civitatis: eo porro reipub. tempore, quo ſi unus ille occidiſſet, non hæc ſolum civitas, ſed gentes omnes concidiſſent; niſi forte, quia perfecta res non eſt, non fuit punienda: perinde quaſi exitus rerum, non hominum concilia legibus vindicentur; minus dolendum fuit, re non perfecta, ſed puniendum certe nihilo minus. Quoties ego ipſe, Judices, ex P. Clodii telis & ex cruentis ejus manibus effugi? ex quibus ſi me non vel mea, vel reipub. fortuna ſervaſſet, quis tandem de interitu meo quæſtionem tuliſſet?

VIII.

NOTES.

(22.) *Cum ornatiſſimum equitem Romanum P. Clodius M. Papirium occidiſſet.*] Clodius had, by ſtratagem, got into his hands the ſon of king Tigranes, whom Pompey brought with him from the Eaſt, and kept a priſoner at Rome, in the cuſtody of Flavius the prætor; and inſtead of delivering him up when Pompey demanded him, undertook, for a large ſum of money, to give him his liberty, and ſend him home. This occaſioned a ſharp engagement between him and Flavius, who marched out of Rome, with a body of men well armed, to recover Tigranes by force: but Clodius proved too ſtrong for him, and killed a great part of his company; and among them M. Papirius, Pompey's intimate acquaintance, while Flavius alſo himſelf had ſome difficulty to eſcape with life.

(23.) *Comprehenſus eſt in templo Caſtoris.*] This temple was contiguous to the forum and the ſenate-houſe. It was built by Poſthumius in honour of Caſtor and Pollux, who were ſaid to have appeared during the battle of Regillus upon white horſes, to have marched at the head of the Roman cavalry, ſtriking terror among the Latins; and in the evening, after the battle, to have carried the firſt news of the victory to Rome.

acter of the perſons that ſuffer be illuſtrious or obſcure. Grant that there is a difference, as to the dignity of their lives, yet their deaths, when they are the effect of villainy, are judged by the ſame laws, and attended by the ſame puniſhments: unleſs it be a more heinous parricide for a man to kill his father if he be of conſular dignity, than if he were in a private ſtation; or the guilt of Clodius's death be aggravated by his being killed amongſt the monuments of his anceſtors; for that too has been urged; as if the great Appius Cæcus had paved that road, not for the convenience of his country, but that his poſterity might have the privilege of committing acts of violence with impunity. And accordingly when P. Clodius had killed M. Papirius, a moſt accompliſhed perſon of the Equeſtrian order, on this Appian way, his crime muſt paſs unpuniſhed; for a nobleman had only killed a Roman knight amongſt the monuments of his own family. Now the very name of this Appian way what a ſtir does it make? what was never mentioned while it was ſtained with the blood of a worthy and innocent man, is in every one's mouth, now it is dyed with that of a robber and a murderer. But why do I mention theſe things? one of Clodius's ſlaves was ſeized in the temple of Caſtor, where he was placed by his maſter, on purpoſe to aſſaſſinate Pompey: He confeſſed it, as they were wreſting the dagger out of his hands. Pompey abſented from the forum upon it, he abſented from the ſenate, he abſented from the public. He had recourſe, for his ſecurity, to the gates and walls of his own houſe, and not to the authority of laws, or courts of judicature. Was any law paſſed at that time? was any extraordinary commiſſion granted? And yet, if any circumſtance, if any perſon, if any juncture ever merited ſuch a diſtinction, it was certainly upon this occaſion. An aſſaſſin was placed in the Forum, and in the very porch of the ſenate-houſe, with a deſign to murder the man, on whoſe life depended the ſafety of the ſtate, and at ſo critical a juncture of the republic; that if he had fallen, not this city alone, but the whole empire muſt have fallen with him. But poſſibly you may imagine he ought not to be puniſhed, becauſe his deſign did not ſucceed; as if the ſucceſs of a crime, and not the intention of the criminal, was cognizable by the laws. There was leſs reaſon indeed for grief, as the attempt did not ſucceed; but certainly not at all the leſs for puniſhment. How often, my Lords, have I myſelf eſcaped the threatening dagger, and bloody hands of Clodius? From which, if neither my own good fortune, nor that of the republic, had preſerved me, who would ever have procured an extraordinary trial upon my death?

VIII. Sed ſtulti ſumus, qui Druſum, qui Africanum, Pompeiu noſmetipſos, cum P. Clodio conferre audeamus; tolerabilia fuerunt illa; P. Clodii mortem æquo animo nemo ferre poteſt; luget Senatus: mœret equeſter ordo: tota civitas confecta ſenio eſt: ſqualent municipia: afflictantur coloniæ: agri denique ipſi tam beneficum, tam ſalutarem, tam manſuetum civem deſiderant. Non fuit ea cauſa Judices, profecto non fuit, cur ſibi cenſeret Pompeius quæſtionem ferendam: ſed homo ſapiens, & alta & divina quadam mente præditus, multa vidit; fuiſſe ſibi illum inimicum, familiarem Milonem; in communi omnium lætitia ſi etiam ipſe gauderet, timuit ne videretur infirmior fides reconciliatæ gratiæ; multa etiam alia vidit, ſed illud maxime; quamvis atrociter ipſe tuliſſet, vos tamen fortiter judicaturos. Itaque delegit è florentiſſimis ordinibus ipſa lumina: neque vero, quod nonnulli dictitant, ſecrevit in judicibus legendis amicos meos; neque enim hoc cogitavit vir juſtiſſimus, neque in bonis viris legendis id aſſequi potuiſſet, etiamſi cupiiſſet; non enim mea gratia familiaritatibus continetur, quæ late patere non poſſunt, propterea quod conſuetudines victûs non poſſunt eſſe cum multis; ſed ſi quid poſſumus, ex eo poſſumus, quod reſpublica nos conjunxit cum multis; ex quibus ille cum optimos viros legeret, idque maxime ad fidem ſuam pertinere arbitraretur, non potuit legere non ſtudioſos mei. Quod vero te, L. Domiti, huic quæſtioni præeſſe maxime voluit, nihil quæſivit aliud, niſi juſtitiam, gravitatem, humanitatem, fidem; tulit ut Conſularem neceſſe eſſet: credo, quod principum munus eſſe ducebat reſiſtere & levitati multitudinis, & perditorum temeritati; ex conſularibus te creavit potiſſimum; (24) dederas enim, quam contemneres populares inſanias, jam ab adoleſcentia documenta maxima.

IX. Quamobrem, Judices, ut aliquando ad cauſam crimenque veniamus; ſi neque omnis confeſſio facti eſt inuſitata, neque de cauſa quidquam noſtra aliter, ac nos vellemus, â Senatu judicatum eſt; & lator ipſe legis, cum eſſet controverſia nulla facti, juris tamen diſceptationem eſſe voluit: & electi judices, iſque præpoſitus quæſtioni,

NOTES.

(24.) *Dederas enim quam contemneres populares inſanias, jam ab adoleſcentia documenta maxima.*] He refers to Domitius's conduct in his prætorſhip, during which Cn. Manlius, one of the tribunes of the people, enacted a law that the freed-men of every tribe ſhould have a power of voting, and took poſſeſſion of the capitol in a forcible manner, from which he was driven by Domitius, and ſeveral of his followers ſlain.

SECT. VIII. But it is weak in one to preſume to compare Druſus, Africanus, Pompey, or myſelf, with Clodius. Their lives could be diſpenſed with; but as to the death of P. Clodius, no one can hear it with any degree of patience. The ſenate mourns, the Equeſtrian order is filled with diſtreſs, the whole city is in the deepeſt affliction, the corporate towns are all in mourning, the colonies are overwhelmed with ſorrow; in a word, even the fields themſelves lament the loſs of ſo generous, ſo uſeful, and ſo humane a citizen. But this, my Lords, is by no means the reaſon why Pompey thought himſelf obliged to appoint a commiſſion for a trial; being a man of great wiſdom, of deep and almoſt divine penetration, he took a great variety of things into his view. He conſidered that Clodius had been his enemy, that Milo was his intimate friend, and was afraid that, if he took his part in the general joy, it would render the ſincerity of his reconciliation ſuſpected. Many other things he ſaw, and particularly this, that tho' he had made a ſevere law, you would act with becoming reſolution on the trial. And accordingly, in appointing judges, he ſelected the greateſt ornaments of the moſt illuſtrious orders of the ſtate; nor in making his choice, did he, as ſome have pretended, ſet aſide my friends. For neither had this perſon, ſo eminent for his juſtice, any ſuch deſign, nor was it poſſible for him to have made ſuch a diſtinction, if only worthy men were choſen, even if he had been deſirous of doing it. My influence is not confined to my particular friends, my Lords, the number of whom cannot be very large, becauſe the intimacies of friendſhip can extend but to a few. If I have any intereſt, it is owing to this, that the affairs of the ſtate have connected me with the virtuous and worthy members of it; out of whom when he choſe the moſt deſerving, to which he would think himſelf bound in honour, he could not fail of nominating thoſe who had an affection for me. But in fixing upon you, L. Domitius, to preſide at this trial, he had no other motive than a regard to juſtice, diſintereſtedneſs, humanity and honour. He enacted that the preſident ſhould be of conſular rank; becauſe, I ſuppoſe, he was of opinion that men of diſtinction ought to be proof againſt the levity of the populace, and the raſhneſs of the abandoned. And he gave you the preference to all others of the ſame rank, becauſe you had, from your youth, given the ſtrongeſt proofs of your contempt of popular rage.

SECT. IX. Therefore, my Lords, to come at laſt to the cauſe itſelf, and the accuſation brought againſt us; if it be not unuſual in ſome caſes to confeſs the fact, if the ſenate has decreed nothing with relation to our cauſe, but what we ourſelves could have wiſhed, if he who enacted the law, tho' there was no diſpute about the matter of fact, was willing that the lawfulneſs of it ſhould be debated,

quæſtioni, qui hæc juſte ſapienterque diſceptet: reliquum eſt, Judices, ut nihil jam aliud quærere debeatis, niſi uter utri inſidias fecerit; quod quo facilius argumentis perſpicere poſſitis, rem geſtam vobis dum breviter expono, quæſo diligenter attendite. P. Clodius cum ſtatuiſſet omni ſceleri in Prætura vexare rempub. (25.) videretque ita tracta eſſe comitia anno ſuperiore, ut non multos menſes Præturam gerere poſſet: qui non honoris gradum ſpectaret, ut cæteri, ſed & L. Paullum collegam effugere vellet, ſingulari virtute civem, & annum integrum ad dilacerandam rempubl. quæreret; ſubito reliquit annum ſuum, ſeque in annum proximum tranſtulit, non, ut fit, religione aliqua, ſed ut haberet, quod ipſe dicebat, ad Præturam gerendam, hoc eſt, ad evertendam rempubl. plenum annum atque integrum; occurrebat ei, mancam ac debilem Præturam ſuam futuram, Conſule Milone: eum porro ſummo conſenſu populi Romani Conſulem fieri videbat; contulit ſe ad ejus competitores; ſed ita, totam ut petitionem ipſe ſolus, etiam invitis illis, gubernaret; tota ut comitia ſuis, ut dictitabat, humeris ſuſtineret; convocabat tribus: ſe interponebat: Collinam novam, delectu perditiſſimorum ſcribebat civium; quanto ille plura miſcebat, tanto hic magis in dies convaleſcebat. Ubi vidit homo ad omne facinus paratiſſimus fortiſſimum virum, inimiciſſimum ſuum, certiſſimum Conſulem; idque intellexit non ſolum ſermonibus, ſed etiam ſuffragiis populi Rom. ſæpe eſſe declaratum; palam agere cœpit, & aperte dicere, occidendum Milonem; ſervos agreſtes & barbaros, quibus ſilvas publicas depopulatus erat, Etruriamque vexarat, ex Appennino deduxerat, quos videbatis; res erat minime obſcura; etenim palam dictitabat, conſulatum Miloni eripi non poſſe, vitam poſſe; ſignificavit hoc ſæpe in Senatu, dixit in concione: quin etiam Favonio, fortiſſimo viro, quærenti ex eo, qua ſpe fureret Milone vivo, reſpondit, triduo, illum, ad ſummum quatriduo periturum; quam vocem ejus ad hunc M. Catonem ſtatim Favonius detulit.

X. Interim cum ſciret Clodius (neque enim erat difficile ſcire) iter ſolemne, legitimum, neceſſarium ante diem XIII. Kalend. Febr. Milopi

NOTES.

(25.) *Videretque ita tracta eſſe comitia anno ſuperiore.*] The factions of the city and the ſeditious conduct of the tribunes had prevented the election of conſuls, and occaſioned an interregnum of upwards of ſix months; ſo that Meſſala and Calvinus did not hold the conſulſhip above five months, which was probably the caſe with the prætors too.

if a number of judges have been choſen, and a perſon appointed to preſide at the trial, who might canvaſs the affair with wiſdom and equity; the only remaining ſubject of your enquiry is, which of theſe two parties way-laid the other. And that you may be able the more eaſily to determine this point, I ſhall beg the favour of an attentive hearing, while in a few words I lay open the whole affair before you. P. Clodius being determined, when created prætor, to harraſs his country with every ſpecies of oppreſſion, and finding the comitia had been delayed ſo long the year before, that he could not hold his office many months; not regarding, like the reſt, the dignity of the ſtation, but being ſolicitous both to avoid having L. Paulus, a man of exemplary virtue, for his collegue, and to obtain a whole year for oppreſſing the ſtate; all on a ſudden threw up his own year, and reſerved himſelf to the next; not from any religious ſcruple, but that he might have, as he ſaid himſelf, a full, entire year for exerciſing his prætorſhip; that is, for overturning the commonwealth. He was ſenſible he muſt be controuled and cramped in the exerciſe of his prætorian authority under Milo, who, he plainly ſaw, would be choſe conſul by the unanimous conſent of the Roman people. Accordingly he joined the candidates that oppoſed Milo, but in ſuch a manner that he overruled them in every thing, had the ſole management of the election, and, as he uſed often to boaſt, bore all the comitia upon his own ſhoulders. He aſſembled the tribes; he thruſt himſelf into their counſels, and formed a new Collinian tribe of the moſt abandoned of the citizens. The more confuſion and diſturbance he made, the more Milo prevailed. When this wretch, who was bent upon all manner of wickedneſs, ſaw that ſo brave a man, and his moſt inveterate enemy, would certainly be conſul; when he perceived this, not only by the diſcourſes, but by the votes of the Roman people, he began to throw off all diſguiſe, and to declare openly that Milo muſt be killed. He ſent for that rude and barbarous crew of ſlaves from the Appenines, whom you have ſeen, with whom he uſed to ravage the public foreſts, and harraſs Etruria. The thing was not in the leaſt a ſecret; for he uſed openly to ſay, that tho' Milo could not be deprived of the conſulate, he might of his life. He often intimated this in the ſenate, and declared it expreſsly before the people; inſomuch that when Favonius, that brave man, aſked him what proſpect he could have of carrying on his furious deſigns, while Milo was alive; he replied, that in three or four days at moſt he ſhould be taken out of the way: which reply Favonius immediately communicated to M. Cato.

SECT. X. In the mean time, as ſoon as Clodius knew, (nor indeed was there any difficulty to come at the intelligence) that Milo was

Miloni eſſe (26.) Lanuvium ad Flaminem prodendum, quod erat Dictator Lanuvii Milo, Roma ſubito ipſe profectus pridie eſt, ut ante ſuum fundum (quod re intellectum eſt) Miloni inſidias collocaret; atque ita profectus eſt, ut concionem turbulentam, in qua ejus furor deſideratus eſt, quæ illo ipſo die habita eſt, relinqueret: quam, niſi obire facinoris locum tempuſque voluiſſet, nunquam reliquiſſet. Milo autem cum in Senatu fuiſſet eo die, quoad Senatus dimiſſus eſt, domum venit: (27.) calceos & veſtimenta mutavit: pauliſper dum ſe uxor, ut fit, comparat, commoratus eſt: deinde profectus eſt id temporis, cum jam Clodius, ſi quidem eo die Romam venturus erat, redire potuiſſet; obviam fit ei Clodius expeditus, in equo, nulla rheda, nullis impedimentis, (28.) nullis Græcis comitibus, ut ſolebat; (29.) ſine uxore, quod nunquam fere: cum hic inſidiator, qui iter illud ad cædem faciendam apparaſſet, cum uxore veheretur in rheda, penulatus, magno & impedito, & muliebri ac delicato ancillarum puerorumque comitatu; fit obviam Clodio ante fundum ejus, hora fere undecima, aut non multo ſecus; ſtatim complures cum telis in hunc faciunt de loco ſuperiore impetum: adverſi rhedarium occidunt; cum autem hic de rheda, rejecta penula, deſiluiſſet, ſeque acri animo defenderet; illi, qui erant cum Clodio, gladiis eductis, partim recurrere ad rhedam, ut à tergo Milonem adorirentur; partim, quod hunc jam interfectum putarent, cædere incipiunt ejus ſervos, qui poſt erant: ex quibus, qui animo fideli in dominum & præſenti fuerunt, partim occiſi ſunt, partim, cum ad rhedam pugnari viderent, & domino ſuccurrere prohiberentur, Milonemque occiſum etiam ex ipſo Clodio audirent, & revera putarent; fecerunt id ſervi Milonis (dicam enim non derivandi criminis cauſa, ſed ut factum eſt) neque imperante, neque ſciente, neque præſente domino, quod ſuos quiſque ſervos in tali re facere voluiſſet.

XI.

NOTES.

(26.) *Lanuvium ad Flaminem prodendum.*] Lanuvium was a municipal town in the Appian way, about twelve miles from Rome. The famous temple of Juno Sospita was in it, to officiate in which a prieſt was yearly nominated by a magiſtrate called the dictator.

(27.) *Calceos & veſtimenta mutavit.*] The Roman ſenators were diſtinguiſhed from all the other citizens by the ornaments of their ordinary dreſs and habit, eſpecially by their *veſt* or *tunic*, and the faſhion of their ſhoes; of which the old writers make frequent mention. The peculiar ornament of their *tunic* was the *latus clavus*, as it was called, being a *broad ſtripe of purple*, ſewed upon the forepart of it, and running down the middle of the breaſt, which was the proper diſtinction between them and the knights, who wore a much narrower ſtripe of the ſame colour, and in the ſame manner. The faſhion alſo of their ſhoes was peculiar, and different from that of the reſt of the city. This difference appeared in the colour, ſhape and ornament of the ſhoes. The colour of them was *black*; the form ſomewhat like to a ſhort boot, reaching up to the middle of the leg, as they are ſometimes ſeen in ancient ſtatues and baſs-reliefs; and the proper ornament of them was, the figure of an *half-moon* ſewed or faſtned upon the fore-part of them near the ancles; deſigned, according to ſome writers, to expreſs the letter C, the numeral mark of an hundred, which was the original number of the ſenate, when it was firſt inſtituted by Romulus.

(28.) *Nullis Græcis comitibus.*] It was cuſtomary for the richer ſort of the Romans to

obliged by the eighteenth of January to be at Lanuvium, where he was dictator, in order to nominate a prieſt, a duty which the laws rendered neceſſary to be performed every year; he went ſuddenly from Rome the day before, in order, as appears by the event, to way-lay Milo, in his own grounds; and this at a time when he was obliged to leave a tumultuous aſſembly, which he had ſummoned that very day, where his preſence was neceſſary to carry on his mad deſigns; a thing he never would have done, if he had not been deſirous to take the advange of that particular time and place for perpetrating his villainy. But Milo, after having ſtaid in the ſenate that day till the houſe was broke up, went home, changed his ſhoes and cloaths, waited a while, as uſual, till his wife had got ready to attend him, and then ſet forward about the time that Clodius, if he had propoſed to come back to Rome that day, might have returned. Clodius meets him, equipped for an engagement, on horſeback, without either chariot or baggage, without his Grecian ſervants; and, what was more extraordinary, without his wife. While this lyer-in-wait, who had contrived the journey on purpoſe for an aſſaſſination, was in a chariot with his wife, muffled up in his cloak, encumbered with a crowd of ſervants, and with a feeble and timid train of women and boys. He meets Clodius near his own eſtate a little before ſun-ſet, and is immediately attacked by a body of men, who throw their darts at him from an eminence, and kill his coachman. Upon which he threw off his cloak, leaped from his chariot, and defended himſelf with great bravery. In the mean time Clodius's attendants drawing their ſwords, ſome of them run back to the chariot in order to attack Milo in the rear, whilſt others, thinking that he was already killed, fell upon his ſervants who were behind; theſe, being reſolute and faithful to their maſter, were, ſome of them, ſlain; whilſt the reſt, ſeeing a warm engagement near the chariot, being prevented from going to their maſter's aſſiſtance, hearing beſides from Clodius himſelf that Milo was killed, and believing it to be fact, acted upon this occaſion (I mention it not with a view to elude the accuſation, but becauſe it was the true ſtate of the caſe) without the orders, without the knowledge, without the preſence of their maſter, as every man would wiſh his own ſervants ſhould act in the like circumſtances.

SECT.

NOTES.

to entertain in their houſes ſcholars and philoſophers from Greece, who generally accompanied them when they travelled, in order to amuſe or inſtruct them.

(29.) *Sine uxore.*] Clodius had for his wife one Fulvia, who was afterwards married to Antony. She was a perfect Fury; ſuch, 'tis ſaid, was her implacable hatred to Cicero, that after his death, ſhe vented her impotent rage upon his head, ſpit upon it, and thruſt a bodkin through his tongue,

XI. Hæc, ſicut expoſui, ita geſta ſunt, Judices: inſidiator ſuperatus, vi victa vis, vel potius, oppreſſa virtute audacia eſt. Nihil dico, quid reſpublica conſecuta ſit, nihil, quid vos, nihil, quid omnes boni: nihil ſane id profit Miloni, qui hoc fato natus eſt, ut ne ſe quidem ſervare potuerit, quin unà rempublicam, voſque ſervaret; ſi id jure non poſſet, nihil habeo quod defendam; ſin hoc & ratio doctis, & neceſſitas barbaris, & mos gentibus, & feris natura ipſa præſcripſit, ut omnem ſemper vim, quacunque ope poſſent, à corpore, à capite, à vita ſua propulſarent; non poteſtis hoc facinus improbum judicare, quin ſimul judicetis, omnibus qui in latrones inciderint, aut illorum telis, aut veſtris ſententiis eſſe pereundum. Quod ſi ita putaſſet; certe optabilius Miloni fuit dare jugulum P. Clodio, non ſemel ab illo, neque tum primùm petitum; quam jugulari à vobis, quia ſe illi non jugulandum tradidiſſet; ſin hoc nemo veſtrûm ita ſentit: illud jam in judicium venit, non, occiſuſne ſit, quod fatemur: ſed jure, an injuria: quod multis antea in cauſis jam quæſitum eſt. Inſidias factas eſſe conſtat: & id eſt quod Senatus contra rempublicam factum judicavit: ab utro factæ ſint, incertum eſt; de hoc igitur latum eſt ut quæreretur. Ita & Senatus rem, non hominem notavit, & Pompeius de jure, non de facto, quæſtionem tulit.

XII. Nunquid igitur aliud in judicium venit, niſi uter utri inſidias fecerit? profecto nihil; ſi hic illi; ut ne ſit impune: ſi ille huic; tum nos ſcelere ſolvamur. Quonam igitur pacto probari poteſt, inſidias Miloni feciſſe Clodium? ſatis eſt quidem in illa tam audaci, tam nefaria bellua docere, magnam ei cauſam, magnam ſpem in Milonis morte propoſitam, magnas utilitates fuiſſe. (30.) Itaque illud Caſſianum, CUI BONO FUERIT, in his perſonis valeat; etſi boni nullo emolumento impelluntur in fraudem, improbi ſæpe parvo. Atqui, Milone interfecto, Clodius hoc aſſequebatur, non modo ut Prætor eſſet non eo Conſule, quo ſceleris nihil facere poſſet: ſed etiam ut his Conſulibus Prætor eſſet, quibus ſi non adjuvantibus, at

NOTES.

30.) *Itaque illud Caſſianum.*] We are told by Aſconius, that Caſſius was a man of great ſeverity, and that when he was examiner in any caſe of murder, he always exhorted, nay commanded the judges to enquire what proſpect of advantage could ariſe to the murderer from the fact. Valerius Maximus, B. 3. Chap. 7. ſays, that his tribunal, on account of his exceſſive ſeverity, was called the rock of criminals.

SECT. XI. This, my Lords, is a faithful account of the matter of fact: the perſon who lay in wait was himſelf overcome, and force ſubdued by force, or rather audaciouſneſs chaſtiſed by true valour. I ſay nothing of the advantage which accrues to the ſtate in general, to yourſelves in particular, and to all good men; I am content to wave the argument I might draw from hence in favour of my client, whoſe deſtiny was ſo peculiar, that he could not ſecure his own ſafety, without ſecuring yours and that of the republic at the ſame time. If he could not do it lawfully, there is no room for attempting his defence. But if reaſon teaches the learned, neceſſity the Barbarian, common cuſtom all nations in general, and even nature itſelf inſtructs the brutes to defend their bodies, limbs, and lives when attacked, by all poſſible methods, you cannot pronounce this action criminal, without determining at the ſame time that whoever falls into the hands of a highwayman, muſt of neceſſity periſh either by his ſword or your deciſions. Had Milo been of this opinion, he would certainly have choſen to have fallen by the hand of Clodius, who had more than once before this made an attempt upon his life, rather than be executed by your order, becauſe he had not tamely yielded himſelf a victim to his rage. But if none of you are of this opinion, the proper queſtion is, not whether Clodius was killed; for that we grant: but whether juſtly or unjuſtly, an enquiry of which many precedents are to be found. That a plot was laid is very evident; and this is what the ſenate decreed to be injurious to the ſtate: but by which of them laid, is uncertain. This then is the point which the law directs us to enquire into. Thus, what the ſenate decreed, related to the action not the man; and Pompey enacted not upon the matter of fact, but of law.

SECT. XII. Is nothing elſe therefore to be determined but this ſingle queſtion, which of them way-laid the other? Nothing, certainly. If it appear that Milo was the aggreſſor, we aſk no favour; but if Clodius, you will then acquit us of the crime that has been laid to our charge. What method then can we take to prove that Clodius lay in wait for Milo? It is ſufficient, conſidering what an audacious abandoned wretch he was, to ſhew that he lay under a ſtrong temptation to it, that he formed great hopes, and propoſed to himſelf great advantages from Milo's death. Let that queſtion of Caſſius therefore, *whoſe intereſt was it?* be applied to the preſent caſe. For tho' no conſideration can prevail upon a good man to be guilty of a baſe action, yet to a bad man the leaſt proſpect of advantage will often be ſufficient. By Milo's death, Clodius not only gained his point of being prætor, without that reſtraint which his adverſary's power as conſul would have laid upon his wicked deſigns, but likewiſe that of being prætor under thoſe conſuls, by whoſe con-

at conniventibus certe ſperaſſet ſe poſſe rempublicam eludere in illis ſuis cogitatis furoribus; cujus illi conatus, ut ipſe ratiocinabatur, nec ſi, poſſent, reprimere cuperent, cum tantum beneficium ei ſe debere arbitrarentur: &, ſi vellent, fortaſſe vix poſſent frangere hominis ſceleratiſſimi corroboratam jam vetuſtate audaciam. An vero, Judices, vos ſoli ignoratis? vos hoſpites in hac urbe verſamini? veſtræ peregrinantur aures, neque in hoc pervagato civitatis ſermone verſantur, quas ille leges (ſi leges nominandæ ſunt, ac non faces urbis & peſtes reipublicæ) fuerit impoſiturus nobis omnibus, atque inuſturus? Exhibe, quæſo, Sexte Clodi, exhibe librarium illud legum veſtrarum, quod te aiunt eripuiſſe è domo, & ex mediis armis turbaque nocturna, (31.) tanquam Palladium, ſuſtuliſſe, ut præclarum videlicet munus ac inſtrumentum Tribunatus ad aliquem, ſi nactus eſſes, qui tuo arbitrio Tribunatum gereret, deferre poſſes. Et aſpexit me quidem illis oculis, quibus tum ſolebat, cum omnibus omnia minabatur; (32.) movet me quippe lumen curiæ.

XIII. Quid? tu me iratum, Sexte, putas tibi, cujus tu inimiciſſimum multo crudelius etiam punitus es, quam erat humanitatis meæ poſtulare? Tu P. Clodii cruentum cadaver ejeciſti domo: tu in publicum abjeciſti: tu (33.) ſpoliatum imaginibus, exſequiis, pompa, laudatione, infeliciſſimis lignis ſemiuſtulatum, nocturnis canibus dilaniandum reliquiſti; quam rem etſi neceſſario feciſti, tamen, quoniam in meo inimico crudelitatem expromſiſti tuam, laudare non poſſum, iraſci certe non debeo. P. Clodii Præturam non ſine maximo rerum novarum metu proponi, & ſolutam fore videbatis, niſi eſſet is Conſul, qui eam auderet poſſetque conſtringere. Eum Milonem eſſe cum ſentiret univerſus populus Romanus, quis dubitaret ſuffragio ſuo, ſe metu, periculo rempublicam liberare? At nunc, P. Clodio remoto, uſitatis jam rebus enitendum eſt; Miloni ut tueatur dignitatem ſuam; ſingularis illa huic uni conceſſa gloria, quæ quotidie augebatur frangendis furoribus Clodianis, jam morte Clodii cecidit; vos adepti eſtis, ne quem civem metueretis: hic exercitationem

NOTES.

(31.) *Tanquam Palladium.*] The Palladium was a wooden image of Pallas. The Trojans fanſied that it fell from heaven into an uncovered temple, and were told by the oracle, that Troy could not be taken whilſt that image remained there. Which being underſtood by Diomedes and Ulyſſes, they privately ſtole into the temple, ſurpriſed and ſlew the keepers, and carried the image away: it was brought to Rome, by whom is uncertain, placed in the temple of Veſta, and reſcued from the flames of that edifice by Metellus the high-prieſt.

(32.) *Movet me quippe lumen curiæ.*] Jocus in ambiguo, *ſays Abrantius*; innuit enim curiæ incendium, cum Sextum Clodium clariſſimum ſenatorem vocare videatur.

(33.) *Spoliatum imaginibus.*] We are told by Pliny that the halls of the great men, amongſt the Romans, were adorned with the images of their deceaſed friends, done in wax; and that when any of the family was to be buried, theſe images were to be carried along with the corpſe.

nivance at leaſt, if not aſſiſtance, he hoped he ſhould be able to betray the ſtate into the mad ſchemes he had been forming; perſuading himſelf, that as they thought themſelves under ſo great an obligation to him, they would have no inclination to oppoſe any of his attempts, even if they ſhould have it in their power; and that if they were inclined to do it, they would perhaps be ſcarce able to controul the moſt profligate of all men, who had been confirmed and hardened in his audaciouſneſs by a long ſeries of villainies. Are you then, my Lords, alone ignorant? are you ſtrangers in this city? Has the report, which ſo generally obtains in the town, of thoſe laws (if they are to be called laws, and not rather the ſcourges of the city and the plagues of the republic) which he intended to have impoſed and fixed as a brand of infamy upon us all, never reached your ears? Shew us, I beg of you, Sextus Clodius, ſhew us, that regiſter of your laws; which, they ſay, you reſcued out of his houſe, and carried off like another Palladium, in the midſt of an armed force and a midnight mob; that you might have an honourable legacy, and ample inſtructions for ſome future tribune, who ſhould hold his office under your direction, if ſuch a tribune you could find. Now he caſts a look at me, like that he uſed to aſſume when he threatened univerſal ruin. I am indeed ſtruck with that light of the ſenate.

SECT. XIII. What, Sextus, do you imagine I am angry with you, who have treated my greateſt enemy with more ſeverity than the humanity of my temper could have allowed me to have required? You threw the bloody body of P. Clodius out of his houſe, you expoſed it to public view in the ſtreets, you left it by night a prey to the dogs, half conſumed with unhallowed wood, ſtript of its images, and deprived of the uſual encomiums and funeral pomp. This, tho' it is true you did it out of mere neceſſity, I cannot commend; yet as my enemy was the object of your cruelty, I ought not certainly to be angry with you. You ſaw there was the greateſt reaſon to dread a revolution in the ſtate from the prætorſhip of Clodius, unleſs the man, who had both courage and power to controul him, were choſen conſul. When all the Roman people were convinced that Milo was the man, what citizen could have heſitated a moment about giving him his vote, when by that vote, he at once relieved his own fears, and delivered the republic from the utmoſt danger? But now Clodius is taken off, it requires extraordinary efforts in Milo to ſupport his dignity. That ſingular honour by which he was diſtinguiſhed, and which daily increaſed by his repreſſing the outrages of the Clodian faction, vaniſhed with the death of Clodius. You have gained this advantage, that there is now no citizen you have to fear; while Milo has loſt a fine field

exercitationem virtutis, ſuffragationem conſulatus, fontem perennem gloriæ ſuæ perdidit. Itaque Milonis conſulatus, qui vivo Clodio labefactari non poterat, mortuo denique tentari cœptus eſt. Non modo igitur nihil prodeſt, ſed obeſt etiam P. Clodii mors Miloni. At valuit odium: fecit iratus, fecit inimicus, fecit ultor injuriæ, punitor doloris ſui; quid, hæc, non dico majora fuerunt in Clodio quam in Milone, ſed in illo maxima, nulla in hoc? quid vultis amplius? quid enim odiſſet Clodium Milo, ſegetem ac materiem ſuæ gloriæ, præter hoc civile odium, quo omnes improbos odimus? ille erat ut odiſſet, primum defenſorem ſalutis meæ; deinde vexatorem furoris, domitorem armorum ſuorum; poſtremo etiam accuſatorem ſuum; reus enim Milonis (34.) lege Plotia fuit Clodius, quoad vixit; quo tandem animo hoc tyrannum tuliſſe creditis? quantum odium illius? & in homine injuſto, quam etiam juſtum eſſe?

XIV. Reliquum eſt, ut jam illum natura ipſius conſuetudoque defendat; hunc autem hæc eadem coarguant; nihil per vim unquam Clodius: omnia per vim Milo. Quid ergo, Judices? cum mœrentibus vobis urbe ceſſi, judicium-ne timui? (35.) non ſervos, non arma, non vim? quæ fuiſſet igitur cauſa reſtituendi mei, niſi fuiſſet injuſta ejiciendi? Diem mihi, credo, dixerat, multam irrogarat, actionem perduellionis intenderat; & mihi videlicet in cauſa aut mala, aut mea, non & præclariſſima & veſtra, judicium timendum fuit; ſervorum, & egentium civium & facinoroſorum armis meos cives, meis conſiliis periculiſque ſervatos, pro me objici nolui. Vidi enim, vidi hunc ipſum, (36.) Q. Hortenſium, lumen & ornamentum

NOTES.

(34.) *Lege Plotia.*] This law was enacted by P. Plautius, tribune of the people, Anno 675, againſt thoſe that attempted any force againſt the ſtate or ſenate, or uſed any violence to the magiſtrates, or appeared armed in public upon any ill deſign, or forcibly expelled any perſon from his lawful poſſeſſion. The puniſhment aſſigned to the convicted was *aquæ et ignis interdictio.*

(35.) *Non ſervos, non arma, non vim.*] When Cicero found himſelf reduced to the condition of a criminal by one of Clodius's laws, he changed his habit upon it, as was uſual in the caſe of a public impeachment, and appeared about the ſtreets in a ſordid or mourning gown, to excite the compaſſion of his fellow-citizens: whilſt Clodius, at the head of his mob, contrived to meet and inſult him at every turn, reproaching him for his cowardice and dejection, and throwing dirt and ſtones at him.

(36.) *Q. Hortenſium, lumen et ornamentum reipublicæ.*] This Hortenſius was a very celebrated orator; he reigned abſolute in the Roman forum, when Cicero firſt entered it; and as his ſuperior fame was the chief ſpur to Cicero's induſtry, ſo the ſhining ſpecimen, which Cicero ſoon gave of himſelf, made Hortenſius likewiſe the brighter for it, by obliging him to exert all the force of his genius to maintain his ground againſt his young rival. They paſſed a great part of their lives in a kind of equal conteſt and emulation of each other's merit; but Hortenſius, by the ſuperiority of his years, having firſt paſſed through the uſual gradation of public honors, and ſatisfied his ambition by obtaining the higheſt, began to relax ſomewhat of his old contention, and give way to the charms of eaſe and luxury, to which his nature ſtrongly inclined him, till he was forced at laſt by the general voice of the

for diſplaying his valour, the intereſt that ſupported his election, and a perpetual ſource of glory. Accordingly, Milo's election to the conſulate, which could never have been hurt while Clodius was living, begins now upon his death to be diſputed. Milo, therefore, is ſo far from receiving any benefit from Clodius's death, that he is really a ſufferer by it. But it may be ſaid that hatred prevailed, that anger and reſentment urged him on, that he avenged his own wrongs, and redreſſed his own grievances. Now if all theſe particulars may be applied not merely with greater propriety to Clodius than to Milo, but with the utmoſt propriety to the one, and not the leaſt to the other; what more can you deſire? For why ſhould Milo bear any other hatred to Clodius, who furniſhed him with ſuch a rich harveſt of glory, but that which every patriot muſt bear to all bad men? As to Clodius, he had motives enough for bearing ill will to Milo; firſt, as my protector and guardian; then as the oppoſer of his mad ſchemes, and the controuler of his armed force; and laſtly, as his accuſer. For while he lived, he was liable to be convicted by Milo upon the Plotian law. With what patience, do you imagine, ſuch an imperious ſpirit could bear this? How high muſt his reſentment have riſen, and with what juſtice too, in ſo great an enemy to juſtice?

SECT. XIV. It remains now to conſider what arguments their natural temper and behaviour will furniſh out in defence of the one, and for the conviction of the other. Clodius never made uſe of any violence, Milo never carried any point without it. What then, my Lords, when I retired from this city, leaving you in tears for my departure, did I fear ſtanding a trial? and not rather the inſults of Clodius's ſlaves, the force of arms, and open violence? What reaſon could there be for reſtoring me, if he was not guilty of injuſtice in baniſhing me? He had ſummoned me, I know he had, to appear upon my trial; had ſet a fine upon me, had brought an action of treaſon againſt me, and I had reaſon to fear the event of a trial in a cauſe that was neither glorious for you, nor very honourable for myſelf. No, my Lords, this was not the caſe, I was unwilling to expoſe my countrymen, whom I had ſaved by my counſels and at the hazard of my life, to the ſwords of ſlaves, indigent citizens, and a crew of ruffians. For I ſaw, yes, I myſelf beheld this very Q. Hortenſius, the light and ornament of the republic,

NOTES.

the city to yield the poſt of honour to Cicero. He publiſhed ſeveral orations which were extant long after his death; and it were much to be wiſhed, that they had remained to this day, to enable us to form a judgment of the different talents of theſe two great men: but they are ſaid to have owed a great part of their credit to the advantage of his action, which yet was thought to have more of art than was neceſſary to an orator, ſo that his compoſitions were not admired ſo much by the reader, as they had been by the

mentum reipublicæ, pene interfici ſervorum manu, cum mihi adeſſet: qua in turba C. Vibienus Senator, vir optimus, cum hoc cùm eſſet una, ita eſt mulcatus, ut vitam amiſerit. Itaque quando illius poſtea ſica illa, quam à Catilina acceperat, conquievit? hæc intentata nobis eſt: huic ego vos objici pro me non ſum paſſus: hæc inſidiata Pompeio eſt: hæc iſtam Appiam viam, monumentum ſui nominis, nece Papirii cruentavit: hæc, hæc eadem longo intervallo converſa rurſus eſt in me: (37.) nuper quidem, ut ſcitis, me ad regiam pene confecit. Quid ſimile Milonis? cujus vis omnis hæc ſemper fuit, ne P. Clodius, cum in judicium detrahi non poſſet, vi oppreſſam civitatem teneret; quem ſi interficere voluiſſet, quantæ, quoties occaſiones, quam præclaræ fuerunt? potuit-ne, cum domum ac deos penates ſuos, illo oppugnante, defenderet, jure ſe ulciſci? potuit-ne cive egregio & viro fortiſſimo P. Sextio, collega ſuo, vulnerato? potuit-ne Q. Fabricio, viro optimo, cum de reditu meo legem ferret, pulſo, crudeliſſima in foro cæde facta? potuit-ne L. Cæcilii, juſtiſſimi, fortiſſimique Prætoris, oppugnata domo? potuit-ne illo die, cum eſt lata lex de me? cum totius Italiæ concurſus, quem mea ſalus concitarat, facti illius gloriam libens agnoviſſet: ut, etiam ſi id Milo feciſſet, cuncta civitas eam laudem pro ſua vindicaret?

XV. Atqui erat id temporis clariſſimus & fortiſſimus Conſul, inimicus Clodio, P. Lentulus, ultor ſceleris illius, propugnator Senatûs, defenſor veſtræ voluntatis, patronus illius publici conſenſûs, reſtitutor ſalutis meæ: ſeptem Prætores; octo tribuni plebis, illius adverſarii, defenſores mei: Cn. Pompeius auctor & dux mei reditus, illius hoſtis: cujus ſententiam Senatus omnis de ſalute mea graviſſimam & ornatiſſimam ſecutus eſt: qui populum Romanum cohortatus eſt: qui, (38.) cum de me decretum Capuæ feciſſet, ipſe cunctæ Italiæ cupienti & ejus fidem imploranti ſignum dedit, ut ad me

NOTES.

the hearer. He was generally allowed however, by the antients, and by Cicero himſelf, to have poſſeſſed every accompliſhment which could adorn an orator; elegance of ſtyle; art of compoſition; fertility of invention; ſweetneſs of elocution; gracefulneſs of action. The prodigious ſtrength of his memory is particularly celebrated; a remarkable inſtance of it is recorded by the elder Seneca. He undertook, it ſeems, as a proof of its force, to attend a whole day at a public auction, and give an exact account of every thing that was put up to ſale, of the price at which it was ſold, and of the name of every particular purchaſer: and this he accordingly executed, without failing in a ſingle article. Notwithſtanding the rivalſhip between our orator and him, there was a mutual friendſhip between them. This harmony, ſo unuſual with thoſe who contend together for the ſame prize, was greatly owing to the good offices of Atticus; who ſeems indeed, upon all occaſions, to have employed the remarkable influence he had with all parties, in reconciling differences, and cementing friendſhips.

(37.) *Nuper quidem, ut ſcitis, me ad regiam pene confecit.*] It is not eaſy to determine on what occaſion it was that Clodius made this attack upon Cicero. Aſconius imagines that it was under the conſulſhip of Domitius and Meſſala, when the parties of Hypſæus and Milo fought in the *ſacred way*, and ſeveral were killed on the ſide of Milo.

(38.)

lic, almoſt murdered by the hands of ſlaves, while he waited on me; and it was in the ſame tumult, that C. Vibienus, a ſenator of great worth who was in his company, was handled ſo roughly, that it coſt him his life. When therefore, has that dagger, which Clodius received from Catiline, reſted in its ſheath? it has been aimed at me; but I would not ſuffer you to expoſe yourſelves to its rage on my account: with it he laid in wait for Pompey, and ſtained the Appian way, that monument of the Clodian family, with the blood of Papirius. The ſame, the very ſame weapon was, after a long diſtance of time, again turned againſt me; and you know how narrowly I eſcaped being deſtroyed by it lately at the palace. What now of this kind can be laid to Milo's charge? whoſe force has only been employed to ſave the ſtate from the violence of Clodius, when he could not be brought to a trial. Had he been inclined to kill him, how often had he the faireſt opportunities of doing it? Might he not legally have revenged himſelf upon him, when he was defending his houſe and houſhold gods againſt his aſſault? Might he not, when that excellent citizen and brave man, P. Sextius, his collegue, was wounded? might he not, when Q. Fabricius, that worthy man, was abuſed, and a moſt barbarous ſlaughter made in the forum, upon his propoſing the law for my reſtoration? might he not, when the houſe of L. Cæcilius that upright and brave prætor was attacked? might he not, on that day when the law paſſed in relation to me? when a vaſt concourſe of people from all parts of Italy, animated with a concern for my ſafety, would, with joyful voice, have celebrated the glory of the action, and the whole city have claimed the honour of what was performed by Milo alone?

SECT. XV. At that time P. Lentulus, a man of diſtinguiſhed worth and bravery, was conſul; the profeſſed enemy of Clodius, the avenger of his crimes, the guardian of the ſenate, the defender of your decrees, the ſupport of that public union, and the reſtorer of my ſafety: There were ſeven prætors, and eight tribunes of the people in my intereſt, in oppoſition to him. Pompey, the firſt mover and patron of my return, was his enemy; whoſe important and illuſtrious decree for my reſtoration was ſeconded by the whole ſenate; who encouraged the Roman people, and when he paſſed a decree in my favour at Capua, gave the ſignal to all Italy, ſolicitous for my ſafety, and imploring his aſſiſtance in my behalf, to repair in a

NOTES.

(38.) *Cum de me decretum Capuæ fecit.*] Pompey preſided in perſon, when the inhabitants of Capua, where he had planted a colony, made a decree to Cicero's honour; he took the trouble likewiſe of viſiting all the other colonies and chief towns in theſe parts, to appoint them a day of general rendezvous at Rome, to aſſiſt at the promulgation of the law for Cicero's return.

me reſtituendum Romam concurrerent; omnia tum denique in illum odia civium ardebant deſiderio mei: quem qui tum interemiſſet, non de impunitate ejus, ſed de præmiis cogitaretur. Tamen ſe Milo continuit, & P. Clodium ad judicium bis, ad vim nunquam vocavit. Quid? privato Milone, & reo ad populum, accuſante P. Clodio, cum in Cn. Pompeium pro Milone dicentem impetus factus eſt; quæ tum non modo occaſio, ſed etiam cauſa illius opprimendi fuit? Nuper vero (39.) cum M. Antonius ſummam ſpem ſalutis bonis omnibus attuliſſet, graviſſimamque adoleſcens nobiliſſimus reipub. partem fortiſſime ſuſcepiſſet, atque illam belluam, judicii laqueos declinantem, jam irretitam teneret: qui locus, quod tempus illud, dii immortales, fuit? cum ſe ille fugiens in ſcalarum tenebras abdidiſſet, magnum Miloni fuit conficere illam peſtem nulla ſua invidia, Antonii vero maxima gloria? Quid? comitiis in campo quoties poteſtas fuit? cum ille vi in ſepta irruiſſet, gladios diſtringendos, lapides jaciendos curaſſet, deinde ſubito, vultu Milonis perterritus, fugeret ad Tiberim, vos & omnes boni vota faceretis, ut Miloni uti virtute ſua liberet?

XVI. Quem igitur cum omnium gratia noluit; hunc voluit cum aliquorum querela? quem jure, quem loco, quem tempore, quem impune non eſt auſus; hunc injuria, iniquo loco, alieno tempore, periculo capitis non dubitavit occidere? præſertim, Judices, cum honoris ampliſſimi contentio, & dies comitiorum ſubeſſet; quo quidem tempore (40.) (ſcio enim quam timida ſit ambitio, quantaque & quam ſolicita cupiditas Conſulatus) omnia, non modo quæ reprehendi palam, ſed etiam quæ obſcure cogitari poſſunt, timemus: rumorem, fabulam fictam, falſam perhorreſcimus: ora omnium atque oculos intuemur; nihil enim eſt tam molle, tam tenerum, tam aut fragile, aut flexibile, quam voluntas erga nos ſenſuſque civium: qui

NOTES.

(39.) *Cum M. Antonius ſummam ſpem ſalutis bonis omnibus attuliſſet.*] It is difficult to ſay what part of Antony's conduct Cicero here refers to. Some commentators imagine, nor is it improbable, that he employed forcible meaſures in oppoſition to Clodius, when he was forming a new tribe of the ſcum of the citizens, and that Cicero refers to this.

(40.) *Scio enim quam timida ſit ambitio, quantaque et quam ſolicita cupiditas conſulatus.*] Cicero, in this paſſage, gives a ſtrong and lively repreſentation of the anxiety that attends a life of ambition in general; but what he ſays is peculiarly applicable to thoſe who aſpired to any public dignity in Rome. For as the people of Rome had much to give, ſo they expected to be much courted; and, accordingly, the candidates for public offices were obliged to employ various arts to recommend themſelves to their favour, and to be extremely careful not to give the leaſt ſhadow of offence.

a body to Rome to have my ſentence reverſed. In a word, the citizens were then ſo inflamed with rage againſt him from their affection to me, that had he been killed at that juncture, they would not have thought ſo much of acquitting as of rewarding the perſon by whoſe hand he fell. And yet Milo ſo far governed his temper, that tho' he proſecuted him twice in a court of judicature, he never had recourſe to violent meaſures againſt him. But what do I ſay? while Milo was a private perſon, and ſtood accuſed by Clodius before the people, when Pompey was aſſaulted in the midſt of a ſpeech he was making in Milo's favour, what a fair opportunity, and I will even add, ſufficient reaſon was there for diſpatching him? Again, when Mark Antony had, on a late occaſion, raiſed in the minds of all good men the moſt lively hopes of ſeeing the ſtate in a happier condition; when that noble youth had bravely undertaken the defence of his country in a moſt dangerous quarter, and had actually ſecured that wild beaſt in the toils of juſtice, which he endeavoured to avoid: Immortal gods! how favourable was the time and place for deſtroying him? When Clodius concealed himſelf beneath a dark ſtair-caſe, how eaſily could Milo have deſtroyed that plague of his country, and thus have heightened the glory of Antony, without incurring the hatred of any? How often was it in his power, while the comitia were held in the field of Mars? when Clodius had forced his way within the incloſure, and his party begun, by his direction, to draw their ſwords and throw ſtones; and then on a ſudden, being ſtruck with terror at the ſight of Milo, fled to the Tiber, how earneſtly did you and every good man wiſh that Milo had then diſplayed his valour?

SECT. XVI. Can you imagine then that Milo would chuſe to incur the ill-will of any by an action which he forbore when it would have gained him the applauſe of all? Would he make no ſcruple of killing him at the hazard of his own life, without any provocation, at the moſt improper time and place, whom he did not venture to attack when he had juſtice on his ſide, had ſo convenient an opportunity, and would have run no riſque? eſpecially, my Lords, when his ſtruggle for the ſupreme office in the ſtate, and the day of his election was at hand; at which critical ſeaſon (for I know by experience how timorous ambition is, and and what a ſolicitous concern there is about the conſulate) we dread not only the charges that may openly be brought againſt us, but even the moſt ſecret whiſpers and hidden ſurmiſes: When we tremble at every rumour, every falſe, forged, and frivolous ſtory; when we explore the features, and watch the looks of every one we meet. For nothing is ſo changeable, ſo tickliſh, ſo frail and ſo flexible, as the inclinations and ſentiments of our fellow-citizens upon ſuch

qui non modo improbitati iraſcuntur candidatorum, ſed etiam in recte factis ſæpe faſtidiunt. Hunc diem igitur campi ſperatum atque exoptatum ſibi proponens Milo, cruentis manibus ſcelus & facinus præ ſe ferens & confitens, ad illa auguſta centuriarum auſpicia veniebat? quam hoc non credibile in hoc? quam idem in Clodio non dubitandum quin ſe ille, interfecto Milone, regnaturum putaret? Quid? quod caput audaciæ eſt, Judices: quis ignorat, maximam illecebram eſſe peccandi impunitatis ſpem? in utro igitur hæc fuit? in Milone, qui etiam nunc reus eſt facti aut præclari, aut certe neceſſarii? an in Clodio, qui ita judicia pœnamque contempſerat, (41.) ut eum nihil delectaret, quod aut per naturam fas eſſet, aut per leges liceret? Sed quid ego argumentor? quid plura diſputo? te, Q. Petilli, appello, optimum & fortiſſimum civem; te, M. Cato, teſtor: quos mihi divina quædam ſors dedit, Judices; vos ex M. Favonio audiſtis, Clodium ſibi dixiſſe, & audiſtis, vivo Clodio, periturum Milonem triduo; poſt diem tertium geſta res eſt, quam dixerat; cum ille non dubitaret aperire, quid cogitaret: vos poteſtis dubitare, quid fecerit?

XVII. Quemadmodum igitur eum dies non fefellit? dixi equidem modo. Dictatoris Lanuvini ſtata ſacrificia noſſe, negotii nihil erat; vidit neceſſe eſſe Miloni proficiſci Lanuvium illo ipſo, quo profectus eſt, die: itaque antevertit; at quo die? quo, ut ante dixi, fuit inſaniſſima concio ab ipſius mercenario tribuno plebis concitata: quem diem ille, quam concionem, quos clamores, niſi ad cogitatum facinus approperaret, nunquam reliquiſſet. Ergo illi ne cauſa quidem itineris, etiam cauſa manendi: Miloni manendi nulla facultas, exeundi non cauſa ſolum, ſed etiam neceſſitas fuit. Quid, ſi, ut ille ſcivit Milonem fore eo die in via, ſic Clodium Milo ne ſuſpicari quidem potuit? Primum quæro, qui ſcire potuerit: quod vos idem in Clodio quærere non poteſtis; ut enim neminem alium, (42.) niſi T. Patinam, familiariſſimum ſuum, rogaſſet, ſcire potuit, illo ipſo die Lanuvii à Dictatore Milone prodi flaminem neceſſe eſſe; ſed

NOTES.

(41.) *Ut cum nihil delectaret, quod aut per naturam fas eſſet, aut per leges liceret.*] What a dreadful picture our orator here draws of Clodius! And indeed if his character and conduct be duly conſidered, there will be no reaſon for thinking it drawn beyond the life. He was certainly one of the moſt peſtilent demagogues that ever diſgraced the annals of any ſtate; an open contemner of gods and men; valuing nothing but in proportion as it was deſperate, and above the reach of others; in a word, a moſt profligate libertine, and audacious villain.

(42.) *Niſi T. Patinam, familiariſſimum ſuum.*] Titus Patinas reſided in Lanuvium, and was an intimate acquaintance of Clodius.

occaſions; they are not only diſpleaſed with the diſhonourable conduct of a candidate, but are often diſguſted with his moſt worthy actions. Shall Milo then be ſuppoſed, on the very day of election, a day which he had long wiſhed for and impatiently expected, to preſent himſelf before that auguſt aſſembly of the centuries, having his hands ſtained with blood, publicly acknowledging and proclaiming his guilt? Who can believe this of the man? yet who can doubt, but that Clodius imagined he ſhould reign without controul, were Milo murdered? What ſhall we ſay, my Lords, to that which is the ſource of all audaciouſneſs? Does not every one know, that the hope of impunity is the grand temptation to the commiſſion of crimes? Now which of theſe two was the moſt expoſed to this? Milo, who is now upon his trial for an action which muſt be deemed at leaſt neceſſary, if not glorious; or Clodius, who had ſo thorough a contempt for the authority of the magiſtrate and for penalties, that he took delight in nothing that was either agreeable to nature or conſiſtent with law? But why ſhould I labour this point ſo much, why diſpute any longer? I appeal to you, Q. Petilius, who are a moſt worthy and excellent citizen; I call you, Marcus Cato, to witneſs; both of you placed on that tribunal by a kind of ſupernatural direction. You were told by M. Favonius, that Clodius declared to him, and you were told it in Clodius's life-time, that Milo ſhould not live three days longer. In three days time he attempted what he had threatened: if he then made no ſcruple of publiſhing his deſign, can you entertain any doubt of it when it was actually carried into execution?

SECT. XVII. But how could Clodius be certain as to the day? This I have already accounted for. There was no difficulty in knowing when the dictator of Lanuvium was to perform his ſtated ſacrifices. He ſaw that Milo was obliged to ſet out for Lanuvium on that very day. Accordingly he was before-hand with him. But on what day? that day, on which, as I mentioned before, a mad aſſembly was held by his mercenary tribune: which day, which aſſembly, which tumult he would never have left, if he had not been eager to execute his meditated villainy. So that he had not the leaſt pretence for undertaking the journey, but a ſtrong reaſon for ſtaying at home; while Milo, on the contrary, could not poſſibly ſtay, and had not only a ſufficient reaſon for leaving the city, but was under an abſolute neceſſity of doing it. Now what if it appear that, as Clodius certainly knew Milo would be on the road that day, Milo could not ſo much as ſuſpect the ſame of Clodius? Firſt then, I aſk which way he could come at the knowledge of it? A queſtion which you cannot put, with reſpect to Clodius. For had he applied to no body elſe, T. Patinas, his intimate frie[nd],

ſed erant permulti alii, ex quibus id facillime ſcire poſſet, omnes ſcilicet Lanuvini. Milo de Clodii reditu unde quæſivit? quæſierit ſane. Videte, quid vobis largiar; ſervum etiam, ut Arrius, meus amicus, dixit, corruperit. Legite teſtimonia teſtium veſtrorum; dixit C. Caſſinius, cognomento Scola, Interamnas, familiariſſimus & idem comes P. Clodii (cujus jampridem teſtimonio Clodius eadem hora (43.) Interamnæ fuerat & Romæ) P. Clodium illo die in Albano manſurum fuiſſe; ſed ſubito ei eſſe nuntiatum, (44.) Cyrum architectum eſſe mortuum: itaque Romam repente conſtituiſſe proficiſci; dixit hoc comes item P. Clodii, C. Clodius.

XVIII. Videte, Judices, quantæ res his teſtimoniis ſint confectæ. Primum certe liberatur Milo, non eo conſilio profectus eſſe, ut inſidiaretur in via Clodio: quippe qui ei obvius futurus omnino non erat; deinde (non enim video, cur non meum quoque agam negotium) ſcitis, Judices, fuiſſe, qui in hac rogatione ſuadenda dicerent Milonis manu cædem eſſe factam, conſilio vero majoris alicujus. Videlicet me latronem ac ſicarium abjecti homines & perditi deſcribebant. Jacent ſuis teſtibus ii, qui Clodium negant eo die Romam, niſi de Cyro auditum eſſet, rediturum fuiſſe. Reſpiravi: liberatus ſum: non vereor, ne, quod ne ſuſpicari quidem potuerim, videar id cogitaſſe. Nunc perſequar cætera; nam occurrit illud. Igiturne Clodius quidem de inſidiis cogitavit, quoniam fuit in Albano manſurus, ſi quidem exiturus ad cædem è villa non fuiſſet; video enim illum, qui dicitur de Cyri morte nuntiaſſe, non id nuntiaſſe, ſed Milonem appropinquare; nam quid de Cyro nuntiaret, quem Clodius Roma proficiſcens reliquerat morientem? una fui: teſtamentum ſimul obſignavi cum Clodio: teſtamentum autem palam fecerat, & illum hæredem & me ſcripſerat; quem pridie hora tertia animam efflantem reliquiſſet, eum mortuum poſtridie hora decima denique ei nuntiabatur?

XIX.

NOTES.

(43.) *Interamnæ fuerat.*] Interamna was a city of Umbria; and was ſo called, becauſe it was ſituated between two rivers. The moderns call it Terni.

(44.) *Cyrum architectum eſſe mortuum.*] Cicero makes mention of this Cyrus in his letters to Atticus, and to his brother Quintus; but we have no account of him in hiſtory.

could have informed him, that Milo, as being dictator of Lanuvium, was obliged to create a prieſt there on that very day. Beſides, there were many other perſons, all the inhabitants of Lanuvium indeed, from whom he might have very eaſily had this piece of intelligence. But of whom did Milo enquire of Clodius's return? I ſhall allow, however, that he did enquire; nay, I ſhall grant farther, with my friend Arrius, ſo liberal am I in my conceſſions, that he corrupted a ſlave. Read the evidence that is before you: C. Caſſinius of Interamna, ſurnamed Scola, an intimate friend and companion of P. Clodius, who ſwore on a former occaſion that Clodius was at Interamna and at Rome at the ſame hour, tells you that P. Clodius intended to have ſpent that day at his ſeat near Alba, but that hearing very unexpectedly of the death of Cyrus the architect, he determined immediately to return to Rome. The ſame evidence is given in by C. Clodius, another companion of P. Clodius.

SECT. XVIII. Obſerve, my Lords, how much this evidence makes for us. In the firſt place it plainly appears, that Milo did not undertake his journey with a deſign to way-lay Clodius, as he could not have the leaſt proſpect of meeting him. In the next place, (for I ſee no reaſon why I ſhould not likewiſe ſpeak for myſelf) you know, my Lords, there were perſons who in their zeal for carrying on this proſecution did not ſcruple to ſay, that tho' the murder was committed by the hand of Milo, the plot was laid by a more eminent perſon. In a word, thoſe worthleſs and abandoned wretches repreſented me as a robber and an aſſaſſin. But this calumny is confuted by their own witneſſes, who deny that Clodius would have returned to Rome that day, if he had not heard of the death of Cyrus. Thus I recover my ſpirits; I am acquitted, and am under no apprehenſions, leſt I ſhould ſeem to have contrived what I could not ſo much as have ſuſpected. Proceed I now to their other objections; Clodius, ſay they, had not the leaſt thought of way-laying Milo, becauſe he was to have remained at Albanum, and would never have gone from his country-ſeat to commit a murder. But I plainly perceive that the perſon, who is pretended to have informed him of Cyrus's death, only informed him of Milo's approach. For why inform him of the death of Cyrus, whom Clodius, when he went from Rome, left expiring? I was with him, and ſealed up his will along with Clodius; for he had publicly made his will, and appointed Clodius and me his heirs. Was a meſſenger ſent him then by four o'clock the next day to acquaint him with the death of a perſon, whom but the day before about nine in the morning he had left breathing his laſt?

SECT.

XIX. Age, ſit ita factum: quæ cauſa, cur Romam properaret? cur in noctem ſe conjiceret? quid afferebat feſtinatio? quòd hæres erat? primum erat nihil, cur properato opus eſſet: deinde, ſi quid eſſet, quid tandem erat, quod ea nocte conſequi poſſet; amitteret autem, ſi poſtridie mane Romam veniſſet? Atque ut illi nocturnus ad urbem adventus vitandus potius, quam expetendus fuit: ſic Miloni, cum inſidiator eſſet, ſi illum ad urbem noctu acceſſurum ſciebat, ſubſiſtendum atque expectandum fuit. Noctu, invidioſo & pleno latronum in loco occidiſſet; nemo ei neganti non credidiſſet, quem eſſe omnes ſalvum, etiam confitentem, volunt. Suſtinuiſſet hoc crimen primum (45.) ipſe ille latronum occultator, & receptator locus, dum neque muta ſolitudo indicaſſet, neque cæca nox oſtendiſſet Milonem: deinde ibi multi ab illo violati, ſpoliati, bonis expulſi, multi etiam hæc timentes in ſuſpicionem caderent; tota denique rea citaretur Etruria. Atque die illo certe Aricia rediens devertit Clodius ad Albanum; quod ut ſciret illum Milo Ariciæ fuiſſe, ſuſpicari tamen debuit, eum, etiam ſi Romam illo die reverti vellet, ad villam ſuam, quæ viam tangeret, deverſurum; cur neque ante occurrit, ne in villa reſideret; nec eo in loco ſubſedit, quo ille noctu venturus eſſet? Video adhuc conſtare omnia, Judices: Miloni etiam utile fuiſſe, Clodium vivere; illi, ad ea quæ concupierat, optatiſſimum interitum Milonis fuiſſe: odium fuiſſe illius in hunc acerbiſſimum, in illum hujus nullum: conſuetudinem illius perpetuam in vi inferenda; hujus tantum in repellenda: mortem ab illo denuntiatam Miloni, & prædicatam palam; nihil unquam auditum ex Milone: profectionis hujus diem illi notum; reditum illius huic ignotum fuiſſe: hujus iter neceſſarium; illius etiam potius alienum; hunc præ ſe tuliſſe ſe illo die Roma exiturum; illum eo die ſe diſſimulaſſe rediturum: hunc nullius rei mutaſſe conſilium; illum cauſam mutandi conſilii finxiſſe: hic, ſi inſidiaretur, noctem prope urbem exſpectandam; illi, etiam ſi hunc non timeret, tamen acceſſum ad urbem nocturnum fuiſſe metuendum.

XX.

NOTES.

(45.) *Ipſe ille latronum occultator, & receptator locus.*] In the Appian way ſtood the tomb of one Baſilius; a place which had become famous for the many murders committed at it.

SECT. XIX. Allowing it however to be ſo, what reaſon was there for hurrying back to Rome? For what did he travel in the night-time? what occaſioned all this diſpatch? was it becauſe he was the heir? In the firſt place, this required no hurry; and, in the next, if it had, what could he have got that night, which he muſt have loſt, had he come to Rome only next morning? And as a journey to town in the night was rather to be avoided than deſired by Clodius, ſo if Milo had formed any plot againſt his enemy, and had known that he was to return to town that evening, he would have ſtopped and waited for him. He might have killed him by night in a ſuſpicious place, infeſted with robbers. No body could have diſbelieved him if he had denied the fact, ſince even after he has confeſſed it every one is concerned for his ſafety. Firſt of all, the place itſelf would have been charged with it; being a haunt and retreat for robbers, while the ſilent ſolitude and ſhades of night muſt have concealed Milo; and then as ſuch numbers had been aſſaulted and plundered by Clodius; and ſo many others were apprehenſive of the like treatment, the ſuſpicion muſt naturally have fallen upon them; and, in ſhort, all Etruria might have been proſecuted. But it is certain that Clodius, in his return that day from Aricia, called at Albanum. Now tho' Milo had known that Clodius had left Aricia, yet he had reaſon to ſuſpect that he would call at his ſeat which lies upon the road, even tho' he was that day to return to Rome. Why then did he not either meet him ſooner and prevent his reaching it, or poſt himſelf where he was ſure Clodius was to paſs in the night-time? Thus far, my Lords, every circumſtance concurs to prove that it was for Milo's intereſt Clodius ſhould live; that on the contrary, Milo's death was a moſt deſirable event for anſwering the purpoſes of Clodius; that on the one ſide there was a moſt implacable hatred, on the other not the leaſt; that the one had been continually employing himſelf in acts of violence, the other only in oppoſing them; that the life of Milo was threatened, and his death publicly foretold by Clodius, whereas nothing of that kind was ever heard from Milo; that the day fixed for Milo's journey was well known to his adverſary, while Milo knew nothing when Clodius was to return; that Milo's journey was neceſſary, but that of Clodius rather the contrary; that the one openly declared his intention of leaving Rome that day, while the other concealed his intention of returning; that Milo made no alteration in his meaſures, but that Clodius feigned an excuſe for altering his; that if Milo had deſigned to way-lay Clodius, he would have waited for him near the city till it was dark, but that Clodius, even if he had been under no apprehenſions from Milo, ought to have been afraid of coming to town ſo late at night.

SECT.

XX. Videamus nunc id, quod caput eſt: locus ad inſidias ille ipſe, ubi congreſſi ſunt, utri tandem fuerit aptior? Id vero, Judices, etiam dubitandum, & diutius cogitandum eſt? ante fundum Clodii: quo in fundo propter inſanas illas ſubſtructiones facile mille hominum verſabatur valentium? edito atque excelſo loco ſuperiorem ſe fore putabat Milo, & ob eam rem eum locum ad pugnam potiſſimum delegerat? an in eo loco eſt potius exſpectatus ab eo, qui ipſius loci ſpe facere impetum cogitarat? Res loquitur, Judices, ipſa: quæ ſemper valet plurimum; ſi hæc non geſta audiretis, ſed picta videretis: tamen appareret, uter eſſet inſidiator, uter nihil cogitaret mali; cum alter veheretur in rheda penulatus, una ſederet, uxor; quid horum non impeditiſſimum? veſtitus, an vehiculum, an comes? quid minus promptum ad pugnam? cum penula irretitus, rheda impeditus, uxore pene conſtrictus eſſet. Videte nunc illum, primum egredientem è villa ſubito; cur veſperi? quid neceſſe eſt tarde? qui convenit, præſertim id temporis? Devertit in villam Pompeii. Pompeium ut videret? ſciebat in Alſienſi eſſe; villam ut perſpiceret? millies in ea fuerat; quid ergo erat moræ & tergiverſationis? dum hic veniret, locum relinquere noluit.

XXI. Age, nunc iter expediti latronis cum Milonis impedimentis comparate. Semper ille antea cum uxore: tum ſine ea: nunquam non in rheda; tum in equo: comites Græculi, quocunque ibat, (46.) etiam cum in caſtra Etruſca properabat: tum nugarum in comitatu nihil. Milo, qui nunquam, tum caſu pueros ſymphoniacos uxoris ducebat & ancillarum greges; ille qui ſemper ſecum ſcorta, ſemper exoletos, ſemper lupas duceret; tum neminem, niſi ut virum à viro lectum eſſe diceres. Cur igitur victus eſt? quia non ſemper viator à latrone, nonnunquam etiam latro à viatore occiditur: quia, quanquam paratus in imparatos Clodius, tamen mulier inciderat in viros; nec vero ſic erat unquam non paratus Milo contra illum, ut non ſatis fere eſſet paratus; ſemper ille, & quantum intereſſet P. Clodii ſe perire, & quanto illi odio eſſet, & quantum

NOTES.

(46.) *Etiam cum in caſtra Etruſca properabat.*] Cicero frequently charges Clodius with having had a ſhare in Catiline's conſpiracy; and this is what he refers to here. For Clodius, as we are told by Aſconius, left Rome in order to join the camp of Catiline, when it lay at Feſulæ in Tuſcany; but after he had ſet out he repented, and returned to the city.

SECT. XX. Let us now conſider the principal point, whether the place where they encountered was moſt favourable to Milo, or to Clodius. But can there, my Lords, be any room for doubt, or for any further deliberation upon that? It was near the eſtate of Clodius, where at leaſt a thouſand able-bodied men were employed in his mad ſchemes of building. Did Milo think he ſhould have an advantage by attacking him from an eminence, and did he for this reaſon pitch upon that ſpot for the engagement? or was he not rather expected in that place by his adverſary, who hoped the ſituation would favour his aſſault? The thing, my Lords, ſpeaks for itſelf, which muſt be allowed to be of the greateſt importance in determining a queſtion. Were the affair to be repreſented only by painting, inſtead of being expreſſed by words, it would even then clearly appear which was the traitor, and which was free from all miſchievous deſigns; when the one was ſitting in his chariot muffled up in his cloak, and his wife along with him. Which of theſe circumſtances was not a very great incumbrance? the dreſs, the chariot, or the companion? How could he be worſe equipped for an engagement, when he was wrapt up in a cloak, embarraſſed with a chariot, and almoſt fettered by his wife? Obſerve the other now, in the firſt place, ſallying out on a ſudden from his ſeat; for what reaſon? in the evening; what urged him? late; to what purpoſe, eſpecially at that ſeaſon? He calls at Pompey's ſeat; with what view? To ſee Pompey? He knew he was at Alſium. To ſee his houſe? He had been in it a thouſand times. What then could be the reaſon of this loitering and ſhifting about? He wanted to be upon the ſpot when Milo came up.

SECT. XXI. Now pleaſe to compare the travelling equipage of a determined robber, with that of Milo. Clodius, before that day, always travelled with his wife; he was then without her: He never uſed to travel but in his chariot; he was then on horſeback: He was attended with Greeks wherever he went, even when he was hurrying to the Tuſcan camp; at that time he had nothing inſignificant in his retinue. Milo, contrary to his uſual manner, happened then to take with him his wife's ſingers, and a whole train of her women: Clodius, who never failed to carry his whores, his Catamites, and his bawds along with him, was then attended by none but thoſe who ſeemed to be picked out by one another. How came he then to be overcome? Becauſe the traveller is not always killed by the robber, but ſometimes the robber by the traveller; becauſe, tho' Clodius was prepared and fell upon thoſe who were unprepared, yet Clodius was but a woman, and they were men. Nor indeed was Milo ever ſo little unprepared, as not to be a match for him almoſt at any time. He was always ſenſible how much it was Clo-

tum ille auderet, cogitabat; quamobrem vitam ſuam quam maximis præmiis propoſitam & pene addictam ſciebat, nunquam in periculum ſine præſidio & ſine cuſtodia projiciebat. Adde caſus, adde incertos exitus pugnarum, Martemque communem; qui ſæpe ſpoliantem jam & exſultantem evertit & perculit ab abjecto; adde inſcitiam pranſi, poti, oſcitantis ducis; qui cum à tergo hoſtem intercluſum reliquiſſet, nihil de ejus extremis comitibus cogitavit: in quos incenſos ira vitamque domini deſperantes cum incidiſſet, hæſit in iis pœnis, quas ab eo ſervi fideles pro domini vita expetiverunt. (47.) Cur igitur eos manumiſit? metuebat ſcilicet ne indicarent: ne dolorem perferre non poſſent: ne tormentis cogerentur, occiſum eſſe à ſervis Milonis in Appia via P. Clodium confiteri. Quid opus eſt tortore? quid quæris? occideritne? occidit? jure, an injuria? nihil ad tortorem; facti enim in equuleo quæſtio eſt, juris in judicio.

XXII. Quod igitur in cauſa quærendum eſt, id agamus hic: quod tormentis invenire vis, id fatemur. Manu vero cur miſerit, ſi id potius quæris, quàm cur parum amplis affecerit præmiis; neſcis inimici factum reprehendere; dixit enim hic idem, (48.) qui omnia ſemper conſtanter & fortiter, M. Cato; dixitque in turbulenta concione, quæ tamen ejus auctoritate placata eſt, non libertate ſolum, ſed etiam omnibus præmiis digniſſimos fuiſſe, qui domini caput defendiſſent. Quod enim præmium ſatis magnum eſt tam benevolis, tam bonis, tam fidelibus ſervis, propter quos vivit? etſi id quidem non tanti eſt, quam quod propter eoſdem non ſanguine & vulneribus

NOTES.

(47.) *Cur igitur eos manumiſit.*] The ceremony of manumiſſion was thus performed: The ſlave was brought before the prætor, by his maſter, who laying his hand upon his ſervant's head, ſaid to the prætor, *Hunc hominem liberum eſſe volo*; and with that let him go out of his hand, which they termed *è manu emittere.* Then the prætor laying a rod upon his head, called *vindicta*, ſaid,

Dico eum liberum eſſe more Quiritum.

Hence Perſius,

Vindicta poſtquam meus a prætore receſſi.

After this the lictor taking the rod out of the prætor's hand, ſtruck the ſervant ſeveral blows on the head, face, and back; and nothing now remained but *pileo donari*, to receive a cap in token of liberty, and to have his name entered in the common roll of freemen, with the reaſon of his obtaining that favour.

(48.) *Qui omnia ſemper conſtanter et fortiter, M. Cato.*] The character here given by our prætor of this illuſtrious Roman is not drawn beyond the life, but copied from nature, and founded upon truth and juſtice. It will be extremely difficult, if not abſolutely impoſſible to find, in the whole annals of profane hiſtory, a character more eminently diſtinguiſhed for ſteadineſs and conſiſtency of conduct than that of Cato, who paſſed the whole of his life in the nobleſt occupation of which human nature is capable. All the parts of this great man's conduct, to uſe the words of the ingenious Mr. *Melmoth*, accord with each other, and are the regular reſult of one ſteady and invariable principle:

——*Patriæ——impendere vitam;*
Nec ſibi, ſed toti genitum ſe credere mundo.

This was the glorious object of his ambition, from his firſt appearance in the world, to the laſt moment of his life; and he undauntedly purſued it thro' all the various inſults and oppoſition that Cæſar, Craſſus and Pompey could contrive to traverſe and perplex his

dius's intereſt to get rid of him, what an inveterate hatred he bore to him, and what audacious attempts he was capable of; and therefore as he knew that a price was ſet upon his life, and that it was in a manner devoted to deſtruction, he never expoſed it to any danger without a guard. Add to this the effect of accidents, the uncertain iſſue of all combats, and the common chance of war, which often turns againſt the victor, even when ready to plunder and triumph over the vanquiſhed. Add the unſkilfulneſs of a gluttonous, drunken, ſtupid leader, who when he had ſurrounded his adverſary, never thought of his attendants that were behind; from whom, fired with rage, and deſpairing of their maſter's life, he ſuffered the puniſhment which thoſe faithful ſlaves inflicted in revenge for their maſter's death. Why then did he give them their freedom? He was afraid, I ſuppoſe, leſt they ſhould betray him, leſt they ſhould not be able to endure pain, leſt the torture ſhould oblige them to confeſs that P. Clodius was killed by Milo's ſervants on the Appian way. But what occaſion for torture? what was you to extort? If Clodius was killed? he was: But whether lawfully or unlawfully, can never be determined by torture. When the queſtion relates to the matter of fact, we may have recourſe to the executioner; but when to a point of equity, the judge muſt decide.

SECT. XXII. Let us then here examine into what is to be the ſubject of enquiry in the preſent caſe; for as to what you would extort by torture, we confeſs it all. But if you aſk why he gave them their freedom, rather than why he beſtowed ſo ſmall a reward upon them, it ſhews that you do not even know how to find fault with this action of your adverſary. For M. Cato, who ſits on this bench, and who always ſpeaks with the utmoſt reſolution and ſteadineſs, ſaid, and ſaid it in a tumultuous aſſembly, which however was quelled by his authority, that thoſe who had defended their maſter's life, well deſerved not only their liberty, but the higheſt rewards. For what reward can be great enough for ſuch affectionate, ſuch worthy and faithful ſervants, to whom their maſter is indebted for his life? And which is yet a higher obligation, to whom he owes it that his moſt inveterate enemy has not feaſted

NOTES.

way. It has been often ſaid, indeed, that he did not diſcover great abilities in the general tenor of his public conduct; that he did not make ſufficient allowances for the temper of the Romans, among whom luxury had long prevailed, and corruption was openly practiſed; that he was incapable of employing thoſe ſeeming compliances that are reconcileable to the greateſt ſteadineſs; and that he treated a crazy conſtitution unſkilfully. How much truth there is in all this, we ſhall not take upon us to determine; thus much, however, is unqueſtionable, that if his head was not one of the beſt, his heart certainly was; that he poſſeſs'd the patriot virtues in their higheſt perfection; and that, as Lord *Bolingbroke* juſtly obſerves, *if he could not ſave, he prolonged the life of liberty.*

vulneribus ſuis crudeliſſimi inimici mentem oculoſque ſatiavit; quos niſi manumiſiſſet, tormentis etiam dedendi fuiſſent, conſervatores domini, ultores ſceleris, defenſores necis. Hic vero nihil habet in his malis, quod minus moleſte ferat, quam, etiam ſi quid ipſi accidat, eſſe tamen illis meritum præmium perſolutum. Sed quæſtiones urgent Milonem, (49.) quæ ſunt habitæ nunc in atrio Libertatis; quibuſnam de ſervis? rogas? de P. Clodii; quis eos poſtulavit? Appius? quis produxit? Appius; unde? ab Appio. Dii boni! quid poteſt agi ſeverius? de ſervis nulla queſtio eſt in dominum, niſi de inceſtu, ut fuit in Clodium; proxime deos acceſſit Clodius, (50.) propius quam tum, cum ad ipſos penetrarat: cujus de morte, tanquam de cæremoniis violatis quæritur. Sed tamen majores noſtri in dominum de ſervo quæri noluerunt, non quia non poſſet verum inveniri, ſed quia videbatur indignum eſſe, & dominis morte ipſa triſtius; in reum de ſervis accuſatoris cum quæritur, verum inveniri poteſt? Age vero, quæ erat, aut qualis quæſtio? heus ubi Ruſcio, ubi Caſca? Clodius inſidias fecit Miloni? fecit: certa crux; nullas fecit: ſperata libertas. Quid hac quæſtione certius? ſubito arrepti in quæſtionem, tamen ſeparantur à cæteris, & in arcas conjiciuntur; ne quis cum iis colloqui poſſit; hi centum dies penes accuſatorem cum fuiſſent, ab eo ipſo accuſatore producti ſunt; quid hac quæſtione dici poteſt integrius? quid incorruptius?

XXIII. Quod ſi nondum ſatis cernitis, cum res ipſa tot tam claris argumentis ſigniſque luceat, pura mente atque integra Milonem, nullo

NOTES.

(49.) *Quæ ſunt habitæ nunc in Atrio libertatis.*] Cicero, in his ſecond book *de Naturâ Deorum*, informs us, that the antient Romans worſhipped *liberty*, as a goddeſs. Sempronius Gracchus cauſed a temple to be erected to her on the Aventine hill, out of the money raiſed by fines, as we are told by *Livy*, *l.* 24.

(50.) *Propius quam tum, cum ad ipſos penetrarat.*] The orator refers here to what he mentions in a variety of places, *viz.* Clodius's polluting the myſteries of the *Bona Dea*. Of this goddeſs, and the ſacrifices offered to her, Cicero ſpeaks thus in his oration concerning *the anſwers of the Aruſpices*: 'What ſacrifice is there ſo ancient as that 'which has been handed down to us from 'our firſt kings, and is coeval with Rome 'herſelf? what ſacrifice is there ſo private 'and ſecret as that which is concealed not 'only from the eyes of the curious and in'quiſitive, but from the ſight of all men, and 'whither neither the moſt profligate wicked'neſs nor impudence ever yet preſumed to en'ter? This ſacrifice no man except Clodius 'was ever ſo impious as to violate, no man 'but Clodius ever thought, without the ut'moſt horror, of aſſiſting at it. This ſacrifice, 'which is performed by the veſtal virgins, 'which is performed for the proſperity of 'the Roman people, which is performed in 'the houſe of the chief magiſtrate, cele'brated with unknown ceremonies, and in 'honour of a goddeſs, whoſe very name to 'know is ſacrilege; this ſacrifice Clodius 'profaned, &c.' Plutarch takes the *good goddeſs* to be the ſame with the *Gynæcea* of the Greeks, that is, with the goddeſs of the women; and adds, that the Phrygians, who claimed a particular title to her, ſaid ſhe was mother to Midas; that the Romans pretended ſhe was one of the Dryads, and married to Faunus; and that the Greeks affirmed ſhe was mother to Bacchus. It is ſaid, that Cæſar's wife Pompeia entertained a ſtrong inclination for Clodius, and that being narrowly watched at home by the virtuous Aurelia, Cæſar's mother, and by his ſiſter Julia, who entertained ſome ſuſpicions of her, ſhe could find no other opportunity of

his eyes, and ſatiated his wiſhes, with the ſight of his mangled bloody corſe. Who, if they had not been made free, theſe deliverers of their maſter, theſe avengers of guilt, theſe defenders of innocent blood muſt have been put to the torture. It is matter, however, of no ſmall ſatisfaction to him under his preſent misfortunes, to reflect, that whatever becomes of himſelf, he has had it in his power to reward them as they deſerved. But the torture that is now inflicting in the porch of the temple of Liberty, bears hard upon Milo. Upon whoſe ſlaves is it inflicted? do you aſk? on thoſe of P. Clodius. Who demanded them? Appius. Who produced them? Appius. From whence came they? from Appius. Good gods! can any thing be more ſevere? Servants are never examined againſt their maſters but in caſes of inceſt, as in the inſtance of Clodius, who now approaches nearer the gods, than when he made his way into their very preſence; for the ſame enquiry is made into his death, as if their ſacred myſteries had been violated. But our anceſtors would not allow a ſlave to be put to the torture for what affected his maſter, not becauſe the truth could not thus be diſcovered, but becauſe their maſters thought it diſhonourable and worſe than death itſelf. Can the truth be diſcovered when the ſlaves of the proſecutor are brought as witneſſes againſt the perſon accuſed? Let us hear now what kind of an examination this was. Call in Roſcio, call in Caſca. Did Clodius way-lay Milo? He did. Drag them inſtantly to execution: He did not. Let them have their liberty. What can be more ſatisfactory than this method of examination? They are hurried away on a ſudden to the rack, but are confined ſeparately, and thrown into dungeons, that no perſon may have an opportunity of ſpeaking to them: At laſt, after having been, for a hundred days, in the hands of the proſecutor, he himſelf produces them. What can be more fair and impartial than ſuch an examination?

SECT. XXIII. But if, my Lords, you are not yet convinced, tho' the thing ſhines out with ſuch ſtrong and full evidence, that Milo returned to Rome with an innocent mind, unſtained with guilt, undiſturbed

NOTES.

of meeting him, but at a ſolemn feaſt, which was to be celebrated in her huſband's houſe, in honour of the *Bona Dea*. In order to gain acceſs to his miſtreſs, Clodius dreſſed himſelf in a woman's habit, and by the benefit of his ſmooth face, and the introduction of one of the maids, who was in the ſecret, hoped to paſs without diſcovery; but by ſome miſtake between him and his guide, he loſt his way when he came within the houſe, and fell in unluckily among the other female ſervants; who, detecting him by his voice, alarmed the whole company by their ſhrieks, to the great amazement of the matrons; who preſently threw a veil over the ſacred myſteries, while Clodius found means to eſcape by the favour of ſome of the damſels.

nullo ſcelere inbutum, nullo metu perterritum, nulla conſcientia exanimatum Romam revertiſſe; recordamini, per deos immortales, quæ fuerit celeritas reditûs ejus: qui ingreſſus in forum, ardente curia: quæ magnitudo animi: qui vultus: quæ oratio. Neque vero ſe populo ſolum, ſed etiam Senatui commiſit: neque Senatui modo, ſed etiam publicis præſidis & armis: neque his tantum, (51.) verum etiam ejus poteſtati, cui Senatus totam rempublicam, omnem Italiæ pubem, cuncta populi Rom. arma commiſerat; cui ſe nunquam hic profecto tradidiſſet, niſi cauſæ ſuæ confideret; præſertim omnia audienti, magna metuenti, multa ſuſpicanti, nonnulla credenti. Magna vis eſt conſcientiæ, Judices, & magna in utramque partem: ut neque timeant, qui nihil commiſerint, & pœnam ſemper ante oculos verſari putent, qui peccarint. Neque vero ſine ratione certa cauſa Milonis ſemper à Senatu probata eſt; videbant enim ſapientiſſimi homines facti rationem, præſentiam animi, defenſionis conſtantiam. An vero obliti eſtis, Judices, recenti illo nuncio necis Clodianæ, non modo inimicorum Milonis ſermones & opiniones, ſed nonnullorum etiam imperitorum, qui negabant eum Romam eſſe rediturum? Sive enim illud animo irato ac percito feciſſet, ut incenſus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodii putaſſe, ut æquo animo patria careret, cùm ſanguine inimici expleſſet odium ſuum: ſive etiam illius morte patriam liberare voluiſſet, non dubitaturum fortem virum, quin, cùm ſuo periculo ſalutem reipublicæ attuliſſet, cederet æquo animo legibus, ſecum auferret gloriam ſempiternam, nobis hæc fruenda relinqueret, quæ ipſe ſervaſſet. Multi etiam Catilinam, atque illa portenta loquebantur: ERUMPET, occupabit aliquem locum, bellum patriæ faciet; miſeros interdum cives optime de republica meritos, in quibus homines non modo res præclariſſimas obliviſcuntur, ſed etiam nefarias ſuſpicantur! Ergo illa falſa fuerunt: quæ certe vera exſtitiſſent, ſi Milo admiſiſſet aliquid, quod non poſſet honeſte vereque defendere.

XXIV. Quid, quæ poſtea ſunt in eum congeſta? quæ quemvis etiam mediocrium delictorum conſcientia perculiſſent, ut ſuſtinuit?

NOTES.

(51.) *Verum etiam ejus poteſtati*] Pompey is here meant, to whom the ſenate gave an unlimited commiſſion to ſee that the republic ſhould receive no detriment, either from Milo or the Clodian faction.

diſturbed by fear, and free from the accuſations of conſcience; call to mind, I beſeech you by the immortal gods, the expedition with which he came back, his entrance into the forum while the ſenate-houſe was in flames, the greatneſs of ſoul he diſcovered, the look he aſſumed, the ſpeech he made on the occaſion. He delivered himſelf up, not only to the people, but even to the ſenate; nor to the ſenate alone, but even to the guards appointed for the public ſecurity; nor merely to them, but even to the authority of him whom the ſenate had intruſted with the care of the whole republic, all the youth of Italy, and all the military force of Rome: To whom he would never have delivered himſelf, if he had not been confident of the goodneſs of his cauſe; eſpecially as that perſon heard every report, was apprehenſive of very great danger, had many ſuſpicions, and gave credit to ſome ſtories. Great, my Lords, is the force of conſcience; great both in the innocent and the guilty; the firſt have no fears, while the other imagine their puniſhment is continually before their eyes. Nor indeed is it without good reaſon that Milo's cauſe has ever been approved by the ſenate; for thoſe wiſe men perceived the juſtice of his cauſe, his preſence of mind, and the reſolution with which he made his defence. Have you forgot, my Lords, when the the news of Clodius's death had reached us, what were the reports and opinions that prevailed, not only amongſt the enemies of Milo, but even amongſt ſome other weak perſons, who affirmed that Milo would not return to Rome? For if he committed the fact in the heat of paſſion, from a principle of reſentment, they imagined he would look upon the death of P. Clodius as of ſuch conſequence, that he could be content to go into baniſhment, after having ſatiated his revenge with the blood of his enemy; or if he put him to death with a view to the ſafety of his country, they were of opinion that the ſame brave man, after he had ſaved the ſtate by expoſing his own life to danger, would chearfully ſubmit to the laws, and leaving us to enjoy the bleſſings he had preſerved, be ſatisfied himſelf with immortal glory. Others talked in a more frightful manner, and called him a Catiline; he will break out, ſaid they, he will ſeize ſome ſtrong place, he will make war upon his country. How wretched is often the fate of thoſe citizens who have done the moſt important ſervices to their country! their nobleſt actions are not only forgot, but they are even ſuſpected of the moſt impious. Theſe ſuggeſtions therefore were groundleſs: yet they muſt have proved too well founded, had Milo done any thing that could not be defended with truth and juſtice.

SECT. XXIV. Why ſhould I mention the calumnies that were afterwards heaped upon him? And tho' they were ſuch as would have

nuit? dii immortales! ſuſtinuit? immo vero ut contempſit, ac pro nihilo putavit? quæ neque maximo animo nocens, neque innocens, niſi fortiſſimus vir, negligere potuiſſet; ſcutorum, gladiorum, frenorum, ſparorum, pilorumque etiam multitudo deprehendi poſſe judicabatur: nullum in urbe vicum, nullum angiportum eſſe dicebant, in quo Miloni non eſſet conducta domus: arma in villam Ocriculanam devecta Tiberi: domus in clivo Capitolino ſcutis referta; (52.) plena omnia malleolorum ad urbis incendia comparatorum. Hæc non delata ſolum, ſed pene credita: nec ante repudiata ſunt, quàm quæſita. (53.) Laudabam equidem incredibilem diligentiam Cn. Pompeii: ſed dicam, ut ſentio, Judices; nimis multa audire coguntur, neque aliter facere poſſunt ii, quibus tota commiſſa eſt reſpublica; quin etiam audiendus ſit (54.) popa Licinius neſcio quis de Circo maximo, ſervos Milonis apud ſe ebrios factos, ſibi confeſſos eſſe, de interficiendo Cn. Pompeio conjuraſſe: deinde poſtea ſe gladio percuſſum eſſe ab uno de illis, ne indicaret. Pompeio in hortos nuntiavit; arceſſor in primis; de amicorum ſententia rem defert ad Senatum; non poteram in illius mei patriæque cuſtodis tanta ſuſpicione non metu exanimari: ſed mirabar tamen credi popæ; [ebrioſorum] confeſſionem ſervorum audiri; vulnus in latere, quod acu punctum videretur, pro ictu gladiatoris probari. Verum tamen, ut intelligo, cavebat magis Pompeius, quàm timebat, non ea ſolum quæ timenda erant, ſed omnino omnia, ne aliquid vos timeretis. Oppugnata domus C. Cæſaris, clariſſimi & fortiſſimi viri, per multas noctis horas nuntiabatur; (55.) nemo audierat tam celebri loco, nemo ſenſerat: tamen audiebatur; non poteram Cn. Pompeium, præſtantiſſima virtute civem, timidum ſuſpicari: diligentiam, tota republica ſuſcepta, nimiam nullam putabam. Frequentiſſimo Senatu nuper in Capitolio Senator inventus eſt, qui Milonem cum telo eſſe diceret; nudavit ſe in ſanctiſſimo templo, quoniam vita talis & civis & viri fidem non faciebat, ut, eo tacente, res ipſa loqueretur.

XXV.

NOTES.

(52.) *Plena omnia malleolorum.*] *Malleoli*, according to *Nonius*, were ſmall bundles of broom, covered over with pitch; which being kindled, were thrown on walls or the roofs of houſes. The word is ſometimes uſed in a general ſenſe to ſignify any thing combuſtible.

(53.) *Laudabam equidem incredibilem diligentiam Cn. Pompeii.*] The beautiful manner in which our orator here ſpeaks of the conduct and pretended fears of Pompey, is a clear proof of his talent for fine and maſterly raillery.

(54.) *Popa Licinius neſcio quis de Circo maximo.*] *De Circo maximo, id eſt, de plebe ſacrificorum; ſic enim ſolebant de vilioribus hominibus loqui*; ſays the Dauphin annotator. And indeed Suetonius informs us, that there was a ſet of abandoned wretches who lived near the *Circus Maximus*; of whom probably this Licinius was one. Popa was a prieſt, or butcher, who ſlew the ſacrifices, and offered them up when ſlain.

(55.) *Nemo audierat tam celebri loco.*] Cæſar from the time he was made *pontifex maximus*, lived in a large houſe in the *via ſacra*, which was not far from the forum.

have filled any breaſt with terror that had the leaſt conſciouſneſs of guilt, yet how he bore them! Immortal gods! bore them, did I ſay? Nay, how he deſpiſed and ſet them at nought! Tho' a guilty perſon even of the greateſt courage, nor an innocent perſon, unleſs endued with the greateſt fortitude, could never have neglected them. It was whiſpered about that a vaſt number of ſhields, ſwords, bridles, darts and javelins might be found; that there was not a ſtreet nor lane in the city, where Milo had not hired a houſe; that arms were conveyed down the Tiber to his ſeat at Ocriculum; that his houſe on the Capitoline hill was filled with ſhields; and that every other place was full of hand-granades for firing the city. Theſe ſtories were not only reported, but almoſt believed; nor were they looked upon as groundleſs till after a ſearch was made. I could not indeed but applaud the wonderful diligence of Pompey upon the occaſion: but to tell you freely, my Lords, what I think; thoſe who are charged with the care of the whole republic, are obliged to hear too many ſtories; nor indeed is it in their power to avoid it. He could not refuſe an audience to a paultry fellow of a prieſt, Licinius I think he is called, who gave information that Milo's ſlaves having got drunk at his houſe confeſſed to him a plot they had formed to murder Pompey, and that afterwards one of them had ſtabbed him, to prevent his diſcovering it. Pompey received this intelligence at his gardens. I was ſent for immediately; and by the advice of his friends the affair was laid before the ſenate. I could not help being in the greateſt conſternation, to ſee the guardian both of me and my country under ſo great an apprehenſion; yet I could not help wondering that ſuch credit was given to a butcher, that the confeſſions of a parcel of drunken ſlaves ſhould be read; and that a wound in the ſide, which ſeemed to be the prick only of a needle, ſhould be taken for the thruſt of a gladiator. But, as I underſtand, Pompey was ſhewing his caution, rather than his fear; and was diſpoſed to be ſuſpicious of every thing, that you might have reaſon to fear nothing. There was a rumour alſo, that the houſe of C. Cæſar, ſo eminent for his rank and courage, was attacked for ſeveral hours in the night. No body heard, no body perceived any thing of it, though the place was ſo public; yet the affair was thought fit to be enquired into. I could never ſuſpect a man of Pompey's diſtinguiſhed valour, of being timorous; nor yet think any caution too great in one, who has taken upon himſelf the defence of the whole republic. A ſenator too, in a full houſe, affirmed lately in the capitol, that Milo had a dagger under his gown at that very time: upon which he ſtript himſelf in that moſt ſacred temple, that, ſince his life and manners could not gain him credit, the thing itſelf might ſpeak for him.

XXV. Omnia falſa, atque inſidioſe ficta comperta ſunt. Quod ſi tamen metuitur etiam nunc Milo, non hoc jam Clodianum crimen timemus, ſed tuas, Cn. Pompeii, (te enim jam appello ea voce, ut me audire poſſis) (56.) tuas, **tuas,** inquam, ſuſpiciones perhorreſcimus. Si Milonem times, ſi hunc de tua vita nefarie aut nunc cogitare, aut molitum aliquando aliquid putas; ſi Italiæ delectus, ut nonnulli conquiſitores tui dictitant, ſi hæc arma, ſi Capitolinæ cohortes, ſi excubiæ, ſi vigiliæ, ſi delecta juventus, quæ tuum corpus domumque cuſtodit, contra Milonis impetum armata eſt, atque illa omnia in hunc unum inſtituta, parata, intenta ſunt: magna in hoc certe vis, & incredibilis animus, & non unius viri vires atque opes indicantur, ſiquidem in hunc unum & præſtantiſſimus dux electus, & tota reſpublica armata eſt. Sed quis non intelligit, omnes tibi reipublicæ partes, ægras & labantes, ut eas his armis ſanares & confirmares, eſſe commiſſas? Quod ſi Miloni locus datus eſſet, probaſſet profecto tibi ipſi, neminem unquam hominem homini cariorem fuiſſe, quam te ſibi: nullum ſe unquam periculum, pro tua dignitate, fugiſſe: cum illa ipſa teterrima peſte ſæpiſſime pro tua gloria contendiſſe: tribunatum ſuum ad ſalutem meam, quæ tibi cariſſima fuiſſet, conſiliis tuis gubernatum: ſe à te poſtea defenſum in periculo capitis, adjutum in petitione Præturæ: duos ſe habere ſemper amiciſſimos ſperaſſe, te tuo beneficio, me ſuo; quæ ſi non probaret; ſi tibi ita penitus inſediſſet iſta ſuſpicio, nullo ut evelli modo poſſet; ſi denique Italia à delectu, urbs ab armis, ſine Milonis clade, nunquam eſſet conquietura; næ iſte haud dubitans ceſſiſſet patria, is, qui ita natus eſt, & ita conſuevit; te, Magne, tamen anteſtaretur; quod nunc etiam facit.

XXVI.

NOTES.

(56.) *Tuas, tuas, inquam, ſuſpiciones perhorreſcimus.*] For the illuſtration of this paſſage we ſhall tranſcribe the note of Aſconius, which is as follows: 'Diximus in argumento 'orationis hujus, Cn. Pompeium ſimulaſſe 'ſe timere, ſeu plane timuiſſe Milonem, et 'ideo ne domi quidem ſuæ, ſed in hortis ſu- 'pericribus ante judicium manſiſſe, ita ut 'villam quoque præſidio militum circum- 'daret. Q. POMPEIUS tribunus pleb. qui 'fuerat familiariſſimus omnium P. Clodio, 'et ſectam ſuam ſequi ſe palam profitebatur, 'dixerat in concione paucis poſt diebus, quam 'Clodius erat occiſus: *Milo dedit, quem in 'curia cremaretis: dabo, quem in capitolio 'ſepeliatis.* In eadem concione idem dixerat '(habuit enim eam a. d. 8. Kal. Febr. cum 'Milo pridie, id eſt, 7. Kal. Febr. venire ad 'Pompeium in hortos ejus voluiſſet) Pom- 'peium ei per hominem propinquum miſiſſe, 'ne ad ſe veniret. Prius etiam quam Pom- 'peius tertium conſul crearetur, tres tribuni, 'Q. Pompeius Rufus, C. Saluſtius Criſpus, 'T. Munacius Plancus, cum quotidianis 'concionibus ſuis magnam invidiam Miloni 'propter Clodium excitarent, produxerant 'ad populum Cn. Pompeium, et ab eo quæ- 'ſierant, num ad eum delatum eſſet illud 'quoque indicium, ſuæ vitæ inſidiari Milo- 'nem. Reſponderat Pompeius, Licinium 'quendam de plebe, ſacrificulum, qui ſolitus 'eſſet familias purgare, ad ſe detuliſſe, ſer- 'vos quoſdam Milonis, itemque libertos 'comparatos eſſe ad cædem ſuam: nomina 'quoque ſervorum edidiſſe: ad Milonem mi- 'ſiſſe, ut eos in poteſtate ſua haberet: a 'Milone reſponſum eſſe, ex iis ſervis, quos 'nominaſſet, partim neminem ſe unquam 'habuiſſe, partim manumiſiſſe. Dein, cum 'Licinium apud ſe haberet, Lucium quen- 'dam de plebe ad corrumpendum judicem 'veniſſe: qua re cognita, in vincula eum

'publica

SECT. XXV. Theſe ſtories were all diſcovered to be falſe malicious forgeries: But if after all, Milo muſt ſtill be feared; it is no longer the affair of Clodius, but your ſuſpicions, Pompey, which we dread: Your, your ſuſpicions, I ſay, and ſpeak it ſo, that you may hear me. If you are afraid of Milo, if you imagine that he is either now forming, or has ever before contrived, any wicked deſign againſt your life; if the forces of Italy, as ſome of your agents alledge, if this armed force, if the Capitoline troops, if theſe centries and guards, if the choſen band of young men that guard your perſon and your houſe, is armed againſt the aſſaults of Milo; if all theſe precautions are taken and pointed againſt him, great undoubtedly muſt be his ſtrength and incredible his valour, far ſurpaſſing the forces and power of a ſingle man, ſince the moſt eminent of all our generals is fixed upon, and the whole republic armed to reſiſt him. But who does not know that all the infirm and feeble parts of the ſtate are committed to your care, to be reſtored and ſtrengthened by this armed force? Could Milo have found an opportunity, he would immediately have convinced you, that no man ever had a ſtronger affection for another than he has for you; that he never declined any danger, where your dignity was concerned; that to raiſe your glory, he often encountered that monſter Clodius; that his tribunate was employed, under your direction, in ſecuring my ſafety, which you had then ſo much at heart; that you afterwards protected him, when his life was in danger, and uſed your intereſt for him, when he ſtood for the prætorſhip; that there were two perſons whoſe warmeſt friendſhip he hoped he might always depend upon; yourſelf, on account of the obligations you laid him under, and me on account of the favours I received from him. If he had failed in the proof of all this; if your ſuſpicions had been ſo deeply rooted as not to be removed; if Italy, in a word, muſt never have been free from new levies, nor the city from arms, without Milo's deſtruction, he would not have ſcrupled, ſuch is his nature and his principles, to bid adieu to his country: But firſt he would have called upon thee, O thou great one, as he now does.

NOTES.

'publica a ſe conjectum. Decreverat enim 'ſenatus, ut eum interrege et tr. plebis 'Pompeius daret operam, ne quid reſpublica 'detrimenti caperet. Ob has ſuſpiciones 'Pompeius in ſuperioribus hortis ſe continue-'rat, deinde ex S. C. delectu per Italiam 'habito cum rediſſet, venientem ad ſe Mi-'lonem unum omnium non admiſerat. 'Item, cum ſenatus in porticu Pompeii ha-'beretur, ut Pompeius poſſet intereſſe, u-'num tum exeuti prius, quam in ſenatum 'intraret, juſſerat. Hæ ſunt ſuſpiciones, 'quas dicit ſe Cicero pertimeſcere.'

XXVI. Vide quam ſit varia vitæ commutabiliſque ratio, quam vaga volubiliſque fortuna, quantæ infidelitates in amicis, quam ad tempus aptæ ſimulationes, quantæ in periculis fugæ proximorum, quantæ timiditates! erit, erit illud profecto tempus, & illuceſcet aliquando ille dies, cum tu ſalutaribus, ut ſpero, rebus tuis, ſed fortaſſe motu aliquo communium temporum immutatis (qui quam crebro accidat, experti debemus ſcire) & amiciſſimi benevolentiam, & graviſſimi hominis fidem, & unius poſt homines natos fortiſſimi viri magnitudinem animi deſideres. Quanquam quis hoc credat, Cn. Pompeium, juris publici, moris majorum, rei denique publicæ peritiſſimum, cum Senatus ei commiſerit, ut videret, NE QUID RESPUBLICA DETRIMENTI CAPERET (quo uno verſiculo ſatis armati ſemper Conſules fuerunt, etiam nullis armis datis) hunc exercitu, hunc delectu dato, judicium exſpectaturum fuiſſe in ejus conſiliis vindicandis, qui vel judicia ipſa tolleret? ſatis judicatum eſt à Pompeio, falſo iſta conferri in Milonem, qui legem tulit, qua, ut ego ſentio, Milonem abſolvi à vobis oporteret; ut omnes confitentur, liceret. Quod vero in illo loco, atque illis publicorum præſidiorum copiis circumfuſus ſedet; ſatis declarat, ſe non terrorem inferre vobis (quid enim illo minus dignum quam cogere ut vos eum condemnetis, in quem animadvertere ipſe, & more majorum, & ſuo jure poſſet?) ſed præſidio eſſe: ut intelligatis, contra heſternam concionem illam licere vobis, quod ſentiatis, libere judicare.

XXVII. Nec vero me, Judices, Clodianum crimen movet: nec tam ſum demens, tamque veſtri ſenſus ignarus atque expers, ut neſciam quid de morte Clodii ſentiatis; de qua ſi jam nollem ita diluere crimen, ut dilui, tamen impune Miloni palam clamare, atque mentiri glorioſe liceret: Occîdi, occîdi non Sp. Melium qui annona levanda, jacturiſque rei familiaris, quia nimis amplecti plebem putabatur, in ſuſpicionem incidit regni appetendi: non Tiberium Gracchum, qui collegæ magiſtratum per ſeditionem abrogavit: quorum interfectores implerunt orbem terrarum nominis ſui gloria: ſed eum (auderet enim dicere, cum patriam periculo ſuo liberaſſet) cujus nefandum adulterium in pulvinaribus ſanctiſſimis

SECT. XXVI. Conſider how uncertain and variable the condition of life is, how unſettled and inconſtant a thing fortune; what unfaithfulneſs is to be found amongſt friends; what diſguiſes ſuited to times and circumſtances; what deſertion, what cowardice in our dangers, even of thoſe who are deareſt to us. There will, there will, I ſay, be a time, and the day will certainly come, when you, with ſafety ſtill, I hope, to your fortunes, though changed perhaps by ſome turn of the common times, which, as experience ſhews, will often happen to us all, may want the affection of the friendlieſt, the fidelity of the worthieſt, and the courage of the braveſt man living. Tho' who can believe that Pompey, ſo well ſkilled in the laws of Rome, in ancient uſages, and the conſtitution of his country, when the ſenate had given it him in charge, to ſee that *the republic received no detriment*; a ſentence always ſufficient for arming the conſuls without aſſigning them an armed force; that he, I ſay, when an army and a choſen band of ſoldiers were aſſigned him, ſhould wait the event of this trial, and defend the conduct of the man who wanted to aboliſh trials? It was ſufficient that Pompey cleared Milo from thoſe charges that were advanced againſt him, by enacting a law, according to which in my opinion Milo ought, and by the confeſſion of all, might lawfully be acquitted. But by ſitting in that place, attended by a numerous guard aſſigned him by public authority, he ſufficiently declares his intention is not to overawe (for what can be more unworthy a man of his character, than to oblige you to condemn a perſon, whom from numerous precedents, and by virtue of his own authority, he might have puniſhed himſelf,) but to protect you: He means only to convince you that, notwithſtanding yeſterday's riotous aſſembly, you are at full liberty to paſs ſentence according to your own judgments.

SECT. XXVII. But, my Lords, the Clodian accuſation gives me no concern; for I am not ſo ſtupid, ſo void of all experience, or ſo ignorant of your ſentiments, as not to know your opinion in relation to the death of Clodius. And tho' I had not refuted the charge, as I have done, yet Milo might, with ſafety, have made the following glorious declaration in public, tho' a falſe one; I have ſlain, I have ſlain, not a Sp. Mælius, who was ſuſpected of aiming at the regal power, becauſe he courted the favour of the people by lowering the price of corn, and beſtowing extravagant preſents to the ruin of his own eſtate; not a Tiberius Gracchus, who ſeditiouſly depoſed his collegue from his magiſtracy; tho' even their deſtroyers have filled the world with the glory of their exploits: But I have ſlain the man (for he had a right to uſe this language, who had ſaved his country at the hazard of his own life) whoſe abominable adulteries

ſanctiſſimis nobiliſſimæ fœminæ comprehenderunt: eum, cujus ſupplicio Senatus ſolemnes religiones expiandas ſæpe cenſuit: eum, quem cum ſorore germana nefarium ſtuprum feciſſe L. Lucullus juratus ſe, quæſtionibus habitis, dixit comperiſſe: eum, qui civem, quem Senatus, quem populus, quem omnes gentes, urbis ac vitæ civium conſervatorem judicabant, ſervorum armis exterminavit: (57.) eum, qui regna dedit, ademit, orbem terrarum, quibuſcum voluit, partitus eſt: eum, qui plurimis cædibus in foro factis, ſingulari virtute & gloria civem domum vi & armis compulit; eum, cui nihil unquam nefas fuit nec in facinore, nec in libidine: eum, (58.) qui ædem Nympharum incendit, ut memoriam publicam recenſionis tabulis publicis impreſſam exſtingueret: eum denique, cui jam nulla lex erat, nullum civile jus, nulli poſſeſſionum termini; qui non calumnia litium, non injuſtis vindictis ac ſacramentis alienos fundos, ſed caſtris, exercitu, ſignis inferendis petebat: qui non ſolum Etruſcos (eos enim penitus contempſerat) ſed hunc Cn. Pompeium, virum fortiſſimum, atque optimum civem, judicem noſtrum pellere poſſeſſionibus, armis caſtriſque conatus eſt: qui cum architectis & decempedis villas multorum hortoſque peragrabat: qui Janiculo, & Alpibus ſpem poſſeſſionum terminabat ſuarum: qui, cum ab equite Romano, ſplendido & forti viro, T. Pacavio, non impetraſſet, ut inſulam in lacu Pretio venderet, repente lintribus in eam inſulam materiam, calcem, cæmenta atque arma convexit; dominoque trans ripam inſpectante, non dubitavit ædificium exſtruere in alieno: qui huic T. Furfanio, cui viro, dii immortales! (quid enim ego de muliercula Scantia? quid de adoleſcente Apronio dicam? quorum utrique mortem eſt minitatus, niſi ſibi hortorum poſſeſſione ceſſiſſet) ſed auſus eſt Furfanio dicere, ſi ſibi pecuniam, quantam popoſcerat, non dediſſet, (59.) mortuum ſe in domum ejus illaturum; quia invidia huic eſſet tali viro conflagrandum: qui Appium fratrem, hominem mihi conjunctum fidiſſima gratia, abſentem de poſſeſſione fundi dejecit: qui parietem ſic per veſtibulum

NOTES.

(57.) *Eum, qui regna dedit, ademit.*] Clodius enacted a law againſt Ptolemy, king of Cyprus; to deprive him of his kingdom, and reduce it to a Roman province, and confiſcate his whole eſtate. This prince was brother to the king of Ægypt, and reigned by the ſame right of hereditary ſucceſſion; was in full peace and amity with Rome; accuſed of no practices, nor ſuſpected of any deſigns againſt the republic. But Clodius had an old grudge to him, for refuſing to ranſom him, when he was taken by the pirates, and ſending him only the contemptible ſum of two talents. To ſanctify this iniquitous law, as it were, and give it the better face and colour of juſtice, Cato was charged with the execution of it; which gave Clodius a double pleaſure, by impoſing ſuch a taſk upon the graveſt man in Rome.

(58.) *Qui ædem Nympharum incendit.*] The nymphs preſiding over fountains had a temple erected to them at Rome, that they might prove propitious in preventing burnings: This temple Clodius ſet on fire.

(59.) *Mortuum ſe in domum ejus illaturum.*] Clodius threatned to convey a dead body into Furfanius's houſe, with a view of bringing him under a ſuſpicion of having committed the murder in his own houſe. Or perhaps his deſign was, to make him thereby loſe the

adulteries our nobleſt matrons diſcovered even in the moſt ſacred receſſes of the immortal gods: The man, by whoſe puniſhment the ſenate frequently determined to atone, for the violation of our religious rites: The man whoſe inceſt with his own ſiſter, Lucullus ſwore he had diſcovered, by due examination: The man, who by the violence of his ſlaves, expelled a perſon, eſteemed by the ſenate, the people, and all nations, as the preſerver of the city and the lives of the citizens: The man, who gave and took away kingdoms, and parcelled out the world to whom he pleaſed: The man, who after having committed ſeveral murders in the forum, by force of arms obliged a citizen of illuſtrious virtue and character, to confine himſelf within the walls of his own houſe: The man, who thought no inſtance of villainy or luſt unlawful: The man, who fired the temple of the Nymphs, in order to deſtroy the public regiſter, which contained the cenſure of his crimes: in a word, the man, who governed himſelf by no law, diſregarded all civil inſtitutions, and obſerved no bounds in the diviſion of property; who never attempted to ſeize the eſtate of another by quirks of law, ſuborned evidence, or falſe oaths, but employed the more effectual means of regular troops, encampments, and ſtandards; who by his armed forces endeavoured to drive from their poſſeſſions, not only the Tuſcans (for them he utterly deſpiſed) but Q. Varius, one of our judges, that brave man and worthy citizen; who with his architects and meaſurers traverſed the eſtates and gardens of a great many citizens, and graſped in his own imagination all that lies between Janiculum and the Alps; who when he could not perſuade Titus Pacavius, an illuſtrious and brave Roman knight, to ſell an iſland upon the Pretian lake, immediately conveyed timber, ſtone, mortar and ſand into the iſland in boats, and made no ſcruple of building a houſe on another perſon's eſtate, even while the proprietor was viewing him from the oppoſite bank; who had the impudence, immortal gods! to declare to ſuch a man as Titus Furfanius (for I ſhall omit the affair relating to the widow Scantia, and the young Apronius, both of whom he threatened with death, if they did not yield to him the poſſeſſion of their gardens;) who had the impudence, I ſay, to declare to Titus Furfanius, that if he did not give him the ſum of money he demanded, he would convey a dead body into his houſe, in order to expoſe ſo eminent a man to the public odium; who diſpoſſeſſed his brother Appius of his eſtate in his abſence, a man united to me in the cloſeſt friendſhip; who attempted to run a wall through a court-yard belonging to his ſiſter, and

NOTES.

the right and property of his houſe; becauſe, by a dead body's being brought into any houſe, it became ſacred, and the proprietor was obliged to quit all his title to it.

veſtibulum ſororis inſtituit ducere, ſic agere fundamenta, ut ſororem non modò veſtibulo privaret, ſed omni aditu, & limine.

XXVIII. Quanquam hæc quidem jam tolerabilia videbantur, etſi æquabiliter in remp. in privatos, in longinquos, in propinquos, in alienos, in ſuos irruebat: ſed neſcio quomodo jam uſu obduruerat, & percalluerat civitatis incredibilis patientia. Quæ vero aderant jam & impendebant, quonam modo ea aut depellere potuiſſetis, aut ferre? Imperium ſi ille nactus eſſet, omitto ſocios, exteras nationes, reges, tetrarchas: vota enim feceratis, ut in eos ſe potius mitteret, quam in veſtras poſſeſſiones, veſtra tecta, veſtras pecunias: pecunias dico? à liberis, à liberis mediusfidius, & à conjugibus veſtris nunquam ille effrenatas ſuas libidines cohibuiſſet: Fingi hæc putatis, quæ patent, quæ nota ſunt omnibus, quæ tenentur? ſervorum exercitus illum in urbe conſcripturum fuiſſe, per quos totam rempub. reſque privatas omnium poſſideret? Quamobrem ſi cruentum gladium tenens clamaret T. Annius, ADESTE, quæſo, atque audite, cives: P. Clodium interfeci: ejus furores, quos nullis jam legibus, nullis judiciis frenare poteramus, hoc ferro & hac dextera à cervicibus veſtris repuli; per me, ut unum jus, æquitas, leges, libertas, pudor, pudicitia in civitate manerent: eſſet vero timendum, quonam modo id [factum] ferret civitas; nunc enim quis eſt, qui non probet? qui non laudet? qui non unum poſt hominum memoriam T. Annium plurimùm reipublicæ profuiſſe, maxima lætitia populum Romanum, cunctam Italiam, nationes omnes affeciſſe, & dicat, & ſentiat? Nequeo vetera illa populi Romani quanta fuerint gaudia judicare; multas tamen jam ſummorum imperatorum clariſſimas victorias ætas noſtra vidit; quarum nulla neque tam diuturnam attulit lætitiam, nec tantam. Mandate hoc memoriæ, Judices; ſpero multa vos liberoſque veſtros in republica bona eſſe viſuros; in his ſingulis ita ſemper exiſtimabitis, vivo P. Clodio, nihil horum vos viſuros fuiſſe; in ſpem maximam, &, quemadmodum confido, veriſſimam adducti ſumus, hunc ipſum annum, hoc ipſo ſummo viro Conſule, compreſſa hominum licentia, cupiditatibus fractis, legibus & judiciis conſtitutis, ſalutarem civitati fore. Num quis igitur eſt tam demens, qui hoc, P. Clodio vivo, contingere potuiſſe arbitretur? Quid? ea, quæ tenetis, privata atque veſtra, dominante homine furioſo, quod jus perpetuæ poſſeſſionis habere potuiſſent?

XXIX.

and to build it in ſuch a manner as not only to render the court-yard uſeleſs, but to deprive her of all entrance and acceſs to her houſe.

SECT. XXVIII. Yet all theſe violences were tolerated, tho' committed no leſs againſt the commonwealth than againſt private perſons, againſt the remoteſt as well as the neareſt, ſtrangers as well as relations; but the amazing patience of Rome was become, I know not how, perfectly hardened and callous. Yet by what means could you have warded off thoſe dangers that were more immediate and threatening, or how could you have ſubmitted to his government, if he had obtained it? I paſs by our allies, foreign nations, kings and princes; for it was your ardent prayer that he would turn himſelf looſe upon thoſe rather than upon your eſtates, your houſes and your money: Your money did I ſay? By heavens, he had never reſtrained his unbridled luſt from violating your wives and children. Do you imagine that theſe things are mere fictions? are they not evident? not publicly known? not remembered by all? Is it not notorious that he attempted to raiſe an army of ſlaves, ſtrong enough to make him maſter of the whole republic, and of the property of every Roman? Wherefore if Milo, holding the bloody dagger in his hand, had cried aloud, citizens, I beſeech you, draw near and attend: I have killed Publius Clodius: with this right hand, with this dagger; I have ſaved your lives from that fury, which no laws, no government could reſtrain. To me alone it is owing, that juſtice, equity, laws, liberty, modeſty and decency have yet a being in Rome. Could there be any room for Milo to fear how his country would take it? Who is there now that does not approve and applaud it? where is the man that does not think and declare it as his opinion, that Milo has done the greateſt poſſible ſervice to his country, that he has ſpread joy amongſt the inhabitants of Rome, of all Italy, and the whole world? I cannot indeed determine how high the tranſports of the Roman people may have riſen in former times, this preſent age however has been witneſs to many ſignal victories of the braveſt generals; but none of them ever occaſioned ſuch real and laſting joy. Commit this, my Lords, to your memories. I hope that you and your children will enjoy many bleſſings in the republic, and that each of them will be attended with this reflection, that if P. Clodius had lived, you would have enjoyed none of them. We now entertain the higheſt, and, I truſt, the beſt-grounded hopes that ſo excellent a perſon being conſul, the licentiouſneſs of men being curbed, their ſchemes broke, law and juſtice eſtabliſhed, the preſent will be a moſt fortunate year to Rome. But who is ſo ſtupid as to imagine this would have been the caſe had Clodius lived? How could you poſſibly have been ſecure in the poſſeſſion of what belongs to you, of your own private property, under the tyranny of ſuch a fury?

XXIX. Non timeo, Judices, ne odio inimicitiarum mearum inflammatus, libentius hæc in illum evomere videar, quam verius; etenim etſi præcipuum eſſe debebat, tamen ita communis erat omnium ille hoſtis, ut in communi odio pene æqualiter verſaretur odium meum. (60.) Non poteſt dici ſatis, nec cogitari quidem, quantum in illo ſceleris, quantum exitii fuerit. Quin ſic attendite, Judices; nempe hæc eſt quæſtio de interitu P. Clodii; fingite animis (liberæ enim ſunt cogitationes noſtræ, &, quæ volunt, ſic intuentur, ut ea cernimus, quæ videmus) fingite igitur cogitatione imaginem hujus conditionis meæ: ſi poſſim efficere, ut Milonem abſolvatis, ſed ita, ſi P. Clodius revixerit. Quid vultu extimuiſtis? quonam modo ille vos vivus afficeret, qui mortuus inani cogitatione percuſſit? Quid? ſi ipſe Cn. Pompeius, qui ea virtute, ac fortuna eſt, ut ea potuerit ſemper, quæ nemo præter illum: ſi is, inquam, potuiſſet, aut quæſtionem de morte P. Clodii ferre, aut ipſum ab inferis excitare, utrum putatis facturum fuiſſe? etiam ſi propter amicitiam vellet illum ab inferis revocare, propter rempub. non feciſſet. Ejus igitur mortis ſedetis ultores, cujus vitam ſi putetis per vos reſtitui poſſe, nolitis: & de ejus nece lata quæſtio eſt, qui ſi eadem lege reviviſcere poſſet, lata lex nunquam eſſet. Hujus ergo interfector qui eſſet, in confitendo ab hiſne pœnam timeret, quos liberaviſſet? Græci homines deorum honores tribuunt iis viris, qui tyrannos necaverunt. Quæ ego vidi Athenis? quæ aliis in urbibus Græciæ? quas res divinas talibus inſtitutas viris? quos cantus? quæ carmina? prope ad immortalitatis & religionem & memoriam conſecrantur. Vos tanti conſervatorem populi, tanti ſceleris ultorem, non modo honoribus nullis afficietis, ſed ad ſupplicium rapi etiam patiemini? Confiteretur, confiteretur, inquam, ſi feciſſet, & magno animo, & libenter, ſe feciſſe libertatis omnium cauſa: quod

NOTES.

(60.) *Non poteſt dici ſatis, nec cogitari quidem, quantum in illo ſceleris, quantum exitii fuerit.*] It may juſtly ſeem ſtrange that ſo abandoned a wretch, and ſo peſtilent a citizen, ſhould have been ſuffered in Rome: And it would be natural to ſuſpect, that we had been deceived in our accounts of him, by taking them from his enemies, did we not find them too firmly ſupported by facts to be called in queſtion. A little attention, however, to the particular character of Clodius, as well as of the times in which he lived, will enable us to ſolve the difficulty. Firſt, the ſplendor of his family, which had borne a principal ſhare in all the triumphs of the republic, from the very foundation of its liberty, was of great force to protect him in all his extravagancies. Secondly, his perſonal qualities were peculiarly adapted to endear him to all the meaner ſort; his bold and ready wit; his talent at haranguing; his profuſe expence, and his being the firſt of his family, who had purſued popular meaſures, againſt the maxims of his anceſtors, who were all ſtern aſſertors of *the Ariſtocratical power*. Thirdly, the contraſt of oppoſite factions, who had each their ends in ſupporting him, contributed principally to his ſafety: Cæſar, Pompey, and Craſſus willingly permitted and privately encouraged his violences; to make their own power not only the leſs odious, but even neceſſary for controuling the fury of ſuch an incendiary; and though it was often turned againſt themſelves, yet they choſe to bear it, and diſſemble their ability of repelling it, rather than deſtroy the man, who was playing their game for them; and by throwing the repub-

lic

SECT. XXIX. I am not afraid, my Lords, that I ſhould ſeem to let my reſentment for perſonal injuries riſe ſo high, as to charge theſe things upon him with more freedom than truth. For tho' it might be expected this ſhould be the principal motive, yet ſo common an enemy was he to all mankind, that my averſion to him was ſcarcely greater than that of the whole world. It is impoſſible to expreſs, or indeed to imagine what a villain, what a pernicious monſter he was. But, my Lords, attend to this; the preſent trial relates to the death of Clodius: Form now in your minds (for our thoughts are free, and repreſent what they pleaſe juſt in the ſame manner as we perceive what we ſee) form, I ſay, in your minds the picture of what I ſhall now deſcribe. Suppoſe I could perſuade you to acquit Milo, on condition that Clodius ſhould revive. Why do your countenances betray thoſe marks of fear? how would he affect you when living, if the bare imagination of him, tho' he is dead, ſo powerfully ſtrikes you? what! if Pompey himſelf, a man poſſeſſed of that merit and fortune which enable him to effect what no one beſides can; if he, I ſay, had it in his power either to appoint Clodius's death to be enquired into, or to raiſe him from the dead, which do you think he would chuſe? Tho' from a principle of friendſhip he might be inclined to raiſe him from the dead, yet a regard to his country would prevent him. You therefore ſit as the avengers of that man's death, whom you would not recall to life if you were able; and enquiry is made into his death by a law which would not have paſſed if it could have brought him to life. If his deſtroyer then ſhould confeſs the fact, need he fear to be puniſhed by thoſe whom he has delivered? The Greeks render divine honours to thoſe who put tyrants to death. What have I ſeen at Athens? what in the other cities of Greece? what ceremonies were inſtituted for ſuch heroes? what hymns? what ſongs? The honours paid them were almoſt equal to thoſe paid to the immortal gods. And will you not only refuſe to pay any honours to the preſerver of ſo great a people, and the avenger of ſuch execrable villainies, but even ſuffer him to be dragged to puniſhment? He would have confeſſed, I ſay, had he done the action, he would have

NOTES.

licinto confuſion, threw it of courſe into their hands. The ſenate, on the other ſide, whoſe chief apprehenſions were from the triumvirate, thought, that the raſhneſs of Clodius might be of ſome uſe to perplex their meaſures, and ſtir up the people againſt them on proper occaſions; or it humoured their ſpleen at leaſt, to ſee him often inſulting Pompey to his face. Laſtly, all who envied Cicero, and deſired to leſſen his authority, privately cheriſhed an enemy, who employed all his force to drive him from the adminiſtration of affairs: This accidental concurrence of circumſtances, peculiar to the man and the times, was what preſerved Clodius, whoſe inſolence could never have been endured in any quiet and regular ſtate of the city.

quod ei certe non confitendum modo fuiſſet, verùm etiam prædicandum.

XXX. Etenim ſi id non negat, ex quo nihil petit, niſi ut ignoſcatur; dubitaret id fateri, ex quo etiam præmia laudis eſſent petenda? niſi vero gratius putat eſſe vobis ſui ſe capitis, quam veſtri ordinis defenſorem fuiſſe: cum præſertim in ea confeſſione, ſi grati eſſe velletis, honores aſſequeretur ampliſſimos: ſin factum vobis non probaretur (quanquam quî poterat ſalus ſua cuique non probari?) ſed tamen ſi minus fortiſſimi viri virtus civibus grata cecidiſſet; magno animo conſtantique cederet ex ingrata civitate; nam quid eſſet ingratius, quam lætari cæteros, lugere eum ſolum, propter quem cæteri lætarentur? Quanquam hoc animo ſemper omnes fuimus in patriæ proditoribus opprimendis, ut, quoniam noſtra futura eſſet gloria, periculum quoque & invidiam noſtram putaremus; nam quæ mihi contribuenda laus eſſet ipſi, cum tantum in conſulatu meo pro vobis, ac liberis veſtris auſus eſſem, ſi id, quod conabar, ſine maximis dimicationibus meis me eſſe auſurum arbitrarer? quæ mulier ſceleratum ac pernicioſum civem occidere non auderet, ſi periculum non timeret? Propoſita invidia, morte, pœna, qui nihilo ſegnius rempub. defendit, is vir vere putandus eſt. Populi grati eſt, præmiis afficere bene meritos de republica cives: viri fortis, ne ſuppliciis quidem moveri, ut fortiter feciſſe pœniteat. Quamobrem uteretur eadem confeſſione T. Annius, qua Ahala, qua Naſica, qua Opimius, qua Marius, qua noſmetipſi: &, ſi grata reſpublica eſſet, lætaretur: ſi ingrata, tamen in gravi fortuna, conſcientia ſua niteretur. Sed hujus beneficii gratiam, Judices, fortuna populi Romani, & veſtra felicitas, & dii immortales ſibi deberi putant. Nec vero quiſquam aliter arbitrari poteſt, niſi qui nullam vim eſſe ducit, numenve divinum: quem neque, imperii veſtri magnitudo, neque ſol ille, nec cæli ſignorumque motus, nec viciſſitudines rerum atque ordines movent, neque, id quod maximum eſt, majorum noſtrorum ſapientia; qui ſacra, qui cæremonias, qui auſpicia & ipſi ſanctiſſime coluerunt, & nobis ſuis poſteris prodiderunt.

XXXI. Eſt, eſt profecto illa vis: neque in his corporibus, atque in hac in becillitate noſtra ineſt quiddam, quod vigeat, & ſentiat, &

bravely and freely confeſſed that he did it for the common good; and indeed he ought not only to have confeſſed, but to have proclaimed it.

SECT. XXX. For if he does not deny an action for which he deſires nothing but pardon, is it likely that he would ſcruple to confeſs what he might hope to be rewarded for? unleſs he thinks it is more agreeable to you, that he ſhould defend his own life, than the lives of your order; eſpecially, as by ſuch a confeſſion, if you were inclined to be grateful, he might expect to obtain the nobleſt honours. But if you had not approved of the action (tho' how is it poſſible that a perſon can diſapprove of his own ſafety) if the courage of the braveſt man alive had not been agreeable to his countrymen, he would have departed with ſteadineſs and reſolution from ſo ungrateful a city. For what can ſhew greater ingratitude, than that all ſhould rejoice, while he alone remained diſconſolate, who was the cauſe of all the joy? Yet, in deſtroying the enemies of our country, this has been our conſtant perſuaſion, that as the glory would be ours, ſo we ſhould expect our ſhare of odium and danger. For what praiſe had been due to me, when in my conſulate I made ſo many hazardous attempts for you and your poſterity, if I could have propoſed to carry my deſigns into execution without the greateſt ſtruggles and difficulties? What woman would not dare to kill the moſt villainous and outrageous citizen, if ſhe had no danger to fear? But the man who bravely defends his country with the proſpect of public odium, danger and death, is a man indeed. It is the duty of a grateful people to beſtow diſtinguiſhed honours upon diſtinguiſhed patriots; and it is the part of a brave man, not to be induced by the greateſt ſufferings to repent of having boldly diſcharged his duty. Milo therefore might have made the confeſſion which Ahala, Naſica, Opimius, Marius, and I myſelf formerly made. And had his country been grateful, he might have rejoiced; if ungrateful, his conſcience muſt ſtill have ſupported him under ingratitude. But that gratitude is due to him for this favour, my Lords, the fortune of Rome, your own preſervation, and the immortal gods all declare. Nor is it poſſible that any man can think otherwiſe, but he who denies the exiſtence of an over-ruling power, or divine providence; who is unaffected by the majeſty of your empire, the ſun itſelf, the revolutions of the heavenly bodies, the changes and laws of nature, and above all, the wiſdom of our anceſtors, who religiouſly obſerved the ſacred rites, ceremonies and auſpices, and carefully tranſmitted them to their poſterity.

SECT. XXXI. There is, there certainly is ſuch a power; nor can this grand and beautiful fabric of nature be without an animating

& non ineſt in hoc tanto naturæ tam præclaro motu; niſi forte idcirco eſſe non putant, quia non apparet, nec cernitur: proinde quaſi noſtram ipſam mentem, qua ſapimus, qua providemus, qua hæc ipſa agimus ac dicimus, videre, aut plane qualis, aut ubi ſit, ſentire poſſimus. Ea vis, ea eſt igitur ipſa, quæ ſæpe incredibiles huic urbi felicitates, atque opes attulit: quæ illam perniciem exſtinxit, ac ſuſtulit: cui primum mentem injecit, ut vi irritare ferroque laceſſere fortiſſimum virum auderet, vincereturque ab eo, quem ſi viciſſet, habiturus eſſet impunitatem & licentiam ſempiternam. Non eſt humano conſilio, ne mediocri quidem, Judices, deorum immortalium cura res illa perfecta; religiones, mehercule, ipſæ, quæ illam belluam cadere viderunt, commoviſſe ſe videntur, & jus in illo ſuum retinuiſſe; vos enim jam, Albani tumuli atque luci, vos, inquam, imploro, atque obteſtor, voſque Albanorum obrutæ aræ, (61.) ſacrorum populi Romani ſociæ & æquales, quas ille præceps amentiâ, cæſis proſtratiſque ſanctiſſimis lucis, ſubſtructionum inſanis molibus oppreſſerat: veſtræ tum aræ, veſtræ religiones viguerunt, veſtra vis valuit, quam ille omni ſcelere polluerat: tuque ex tuo edito monte Latiaris, ſancte Jupiter, cujus ille lacus, nemora, fineſque ſæpe omni nefario ſtupro & ſcelere maculârat, aliquando ad eum puniendum oculos aperuiſti: vobis illæ, vobis veſtro in conſpectu ſeræ, ſed juſtæ tamen & debitæ pœnæ ſolutæ ſunt. Niſi forte hoc etiam caſu factum eſſe dicemus, ut ante ipſum ſacrarium Bonæ Deæ, quod eſt in fundo T. Sextii Galli, in primis honeſti & ornati adoleſcentis, ante ipſam, inquam, Bonam Deam, cum prœlium commiſiſſet, primum illud vulnus acceperit, quo teterrimam mortem obiret: ut non abſolutus judicio illo nefario videretur, ſed ad hanc inſignem pœnam reſervatus.

XXXII. Nec vero non eadem ira deorum hanc ejus ſatellitibus injecit amentiam, ut ſine imaginibus, ſine cantu, (62.) ſine ludis, ſine exſequiis, ſine lamentis, (63.) ſine laudationibus, ſine funere, oblitus

NOTES.

(61.) *Sacrorum populi Romani ſociæ et æquales.*] Cicero here refers to thoſe rites which were common to all the people of Latium, with the Romans. They were at firſt inſtituted by Tarquinius Superbus, who, in order to keep the Latin aſſociation firm to their engagements with him, erected a new temple in the midſt of them to Jupiter Latialis, on a hill near the ruins of Alba, where the diets of the united Cantons were annually to aſſemble on the twenty-ſeventh of April, which was called *Feriæ Latinæ*, and jointly offer ſacrifices to Jupiter, and feaſt together in token of union.

(62.) *Sine ludis.*] The heathens imagined that the ghoſts of the deceaſed were ſatisfied, and rendered propitious by human blood; accordingly at firſt they uſed to buy captives, or untoward ſlaves, and offered them at the obſequies. Afterwards they contrived to veil over their impious barbarity with the ſpecious ſhew of pleaſure, and voluntary combat; and therefore training up ſuch perſons as they had procured, in ſome tolerable notion of weapons; upon the day appointed for the ſacrifices to the departed ghoſts, they obliged them to maintain a mortal encounter at the tombs of their friends. Hence aroſe the gladiatorian ſhews which were exhibited at the funerals of great men for appeaſing their manes.

(63.)

ing principle, when theſe bodies and feeble frames of ours are endowed with life and perception. Unleſs perhaps men think otherwiſe, becauſe it is not immediately diſcerned by them; as if we could diſcern that principle of wiſdom and foreſight by which we act and ſpeak, or even could diſcover the manner and place of its exiſtence. This, this is the very power which has often, in a wonderful manner, crowned Rome with glory and proſperity; which has deſtroyed and removed this plague; which inſpired him with preſumption to irritate by violence, and provoke by the ſword, the braveſt of men, in order to be conquered by him; a victory over whom would have procured him eternal impunity, and full ſcope to his audaciouſneſs. This, my Lords, was not effected by human prudence, nor even by the common care of the immortal gods. Our ſacred places themſelves, by heavens, which ſaw this monſter fall, ſeemed to be intereſted in his fate, and to vindicate their rights in his deſtruction. For you, ye Alban mounts and groves, I implore and atteſt, ye demoliſhed altars of the Albans, the companions and partners of the Roman rites, which his fury, after having demoliſhed the ſacred groves, buried under the extravagant piles of his building. Upon his fall, your altars your rites flouriſhed, your power prevailed, which he had defiled with all manner of villainy. And you, O venerable Jupiter! from your lofty Latian mount, whoſe lakes, whoſe woods and borders he polluted with the moſt abominable luſt and every ſpecies of guilt, at laſt opened your eyes to behold his deſtruction: To you, and in your preſence, was the late, but juſt and deſerved penalty paid. For ſurely it can never be alledged that, in his encounter with Milo before the chapel of the *Bona Dea*, which ſtands upon the eſtate of that worthy and accompliſhed youth P. Sextius Gallus, it was by chance he received that firſt wound, which delivered him up to a ſhameful death, I may ſay under the eye of the goddeſs herſelf; no, it was that he might appear not acquitted by the infamous decree, but reſerved only for this ſignal puniſhment.

SECT. XXXII. Nor can it be denied that the anger of the gods inſpired his followers with ſuch madneſs, as to commit to the flames his expoſed body without pageants, without ſinging, without ſhews, without pomp, without lamentations, without any oration in his praiſe,

NOTES.

(63.) *Sine laudationibus.*] In all the funerals of note, the corpſe was firſt brought with a vaſt train of followers into the forum, where one of the neareſt relations aſcending the roſtra, obliged the audience with an oration in praiſe of the deceaſed. If none of the kindred undertook the office, it was diſcharged by ſome of the moſt eminent perſons in the city for learning and eloquence, as Appian reports of the funeral of Sylla. The invention of this cuſtom is generally attributed to Valerius Poplicola, ſoon after the expulſion of the royal family. Plutarch tells us, that, *honouring his collegue's obſequies with a*

oblitus cruore & luto, ſpoliatus illius ſupremi diei celebritate, quam concedere etiam inimici ſolent, ambureretur abjectus; non fuiſſe credo fas, clariſſimorum virorum formas illi teterrimo parricidæ aliquid decoris afferre, neque ullo in loco potius mortem ejus lacerari, quam in quo vita eſſet damnata. Dura mihi, medius fidius, jam fortuna populi Romani & crudelis videbatur, quæ tot annos illum in hanc rempubl. inſultare videret & pateretur; polluerat ſtupro ſanctiſſimas religiones: Senatûs graviſſima decreta perfregerat: pecunia ſe palam à judicibus redemerat; (64.) vexarat in tribunatu Senatum: (65.) omnium ordinum conſenſu pro ſalute reipublicæ geſta reſciderat: me patria expulerat; bona diripuerat; domum incenderat; liberos, conjugem meam vexaverat: Cn. Pompeio nefarium bellum indixerat: magiſtratuum, privatorumque cædes effecerat, domum mei fratris incenderat: vaſtarat Etruriam: multos ſedibus ac fortunis ejecerat: inſtabat, urgebat: capere ejus amentiam civitas, Italia, provinciæ, regna non poterant: incidebantur jam domi leges, quæ nos noſtris ſervis addicerent; nihil erat cujuſquam, quod quidem ille adamaſſet, quod non hoc anno ſuum fore putaret. Obſtabat ejus cogitationibus nemo, præter Milonem. Illum ipſum, qui poterat obſtare, Cn. Pompeium, novo reditu in gratiam quaſi devinctum arbitrabatur: Cæſaris potentiam, ſuam potentiam eſſe dicebat: bonorum animos etiam in meo caſu contempſerat: Milo unus urgebat.

XXXIII. Hic dii immortales, ut ſupra dixi, mentem dederunt illi perdito ac furioſo, ut huic faceret inſidias: aliter perire peſtis illa non potuit: nunquam illum reſp. ſuo jure eſſet ulta. Senatus, credo, Prætorem eum circumſcripſiſſet: ne cum ſolebat quidem id facere, in privato eodem hoc aliquid profecerat. An Conſules in Prætore coërcendo fortes fuiſſent? primum, Milone occiſo, habuiſſet ſuos Conſules; deinde quis in eo Prætore Conſul fortis eſſet, per quem Tribunum, virum Conſularem crudeliſſime vexatum eſſe meminiſſet? omnia poſſideret, teneret: lege nova, quæ eſt inventa apud eum cum reliquis legibus Clodianis, ſervos noſtros libertos ſuos feciſſet; poſtremo, niſi eum dii immortales in eam mentem impuliſſent, ut homo effœminatus fortiſſimum virum conaretur occidere, hodie rempubl. nullam haberetis. An ille Prætor, ille vero Conſul,

NOTES.

a funeral oration, it ſo pleaſed the Romans, that it became cuſtomary for the beſt men to celebrate the funerals of great perſons with ſpeeches in their commendation.

(64.) *Vexarat in tribunatu ſenatum.*] Clodius, the more effectually to ruin Cicero, had, in his tribuneſhip, decreed provinces to Gabinius and Piſo, contrary to the authority of the ſenate.

(65.) *Omnium ordinum conſenſu pro ſalute reipublicæ geſta reſciderat.*] Though the putting Catiline's accomplices to death was not done by Cicero's ſingle authority, but by a general vote of the ſenate, and after a ſolemn hearing and debate, yet Clodius pretended it was illegal; and accordingly paſſed a law, importing, *that whoever had taken the life of a citizen uncondemned and without trial, ſhould be prohibited from fire and water.*

praiſe, without the rites of burial, beſmeared with gore and dirt, and deprived of that funeral ſolemnity which is always granted even to enemies. It was inconſiſtent with piety, I imagine, that the images of ſuch illuſtrious perſons ſhould grace ſo monſtrous a parricide; nor could he be torn by the dogs, when dead, in a more proper place than that where he had been ſo often condemned while alive. Truly the fortune of the Roman people ſeemed to me hard and cruel, which ſaw and ſuffered him to inſult the ſtate for ſo many years. He defiled with luſt our moſt ſacred rites; violated the moſt ſolemn decrees of the ſenate; openly corrupted his judges; harraſſed the ſenate in his tribuneſhip; aboliſhed thoſe acts which were paſſed with the concurrence of every order for the ſafety of the ſtate; drove me from my country; plundered my goods; fired my houſe; perſecuted my wife and children; declared an execrable war againſt Pompey; aſſaſſinated magiſtrates and citizens; burnt my brother's houſe; laid Tuſcany waſte; drove many from their habitations and eſtates; was very eager and furious; neither Rome, Italy, provinces nor kingdoms could confine his frenzy. In his houſe laws were hatched, which were to ſubject us to our own ſlaves; there was nothing belonging to any one, which he coveted, that this year he did not think would be his own. None but Milo oppoſed his deſigns; he looked upon Pompey, the man who was beſt able to oppoſe him, as firmly attached to his intereſt, by their late reconciliation. The power of Cæſar he called his own; and my fall had taught him to deſpiſe the ſentiments of all good men: Milo alone reſiſted him.

SECT. XXXIII. In this ſituation, the immortal gods, as I before obſerved, inſpired that furious miſcreant with a deſign to way-lay Milo. No otherwiſe could the monſter have been deſtroyed; the ſtate could never have avenged its own cauſe. Is it to be imagined that the ſenate could have reſtrained him when he was prætor, after having effected nothing while he was only in a private ſtation? Could the conſuls have been ſtrong enough to check their prætor? In the firſt place, had Milo been killed, the two conſuls muſt have been of his faction; in the next place, what conſul would have had courage to oppoſe him when prætor, whom he remembered, while tribune, to have grievouſly harraſſed a perſon of conſular dignity? He might have oppreſſed, ſeized and obtained every thing; by a new law which was found among the other Clodian laws, he would have made our ſlaves his freed-men. In ſhort, had not the immortal gods inſpired him, effeminate as he was, with the frantic reſolution of attempting to kill the braveſt of men, you would this day have had no republic. Had he been prætor, had he been conſul, if indeed we can ſuppoſe that theſe temples and theſe walls could have

Conſul, ſi modo hæc templa, atque ipſa mœnia ſtare, eo viro, tamdiu, & Conſulatum ejus exſpectare potuiſſent, ille denique vivus mali nihil feciſſet, qui mortuus, uno ex ſuis ſatellitibus Sex. Clodio duce, curiam incenderit? quo quid miſerius, quid acerbius, quid luctuoſius vidimus? templum ſanctitatis, amplitudinis, mentis, conſilii publici, caput urbis, aram ſociorum, portum omnium gentium, ſedem ab univerſo populo Romano conceſſam uni ordini, inflammari, exſcindi, funeſtari? neque id fieri à multitudine imperita (quanquam eſſet miſerum id ipſum) ſed ab uno, qui cum tantum auſus ſit ultor pro mortuo, quid ſignifer pro vivo non eſſet auſus? In curiam potiſſimum abjecit, ut eam mortuus incenderet, quam vivus everterat. Et ſunt, qui de via Appia querantur, taceant de curia? Et qui ab eo ſpirante forum putent potuiſſe defendi, cujus non reſtiterit cadaveri curia? Excitate, excitate ipſum, ſi poteſtis, ab inferis; frangetis impetum vivi, cujus vix ſuſtinetis furias inſepulti? niſi vero ſuſtinuiſtis eos qui cum facibus ad curiam concurrerunt, cum falcibus ad Caſtoris, cum gladiis toto foro volitarunt. Cædi vidiſtis populum Romanum, concionem gladiis diſturbari, (66.) cum audiretur ſilentio M. Cœlius tribunus plebis, vir & in repub. fortiſſimus, (67.) & in ſuſcepta cauſa firmiſſimus, & bonorum voluntati & auctoritati Senatûs deditus, & in hac Milonis ſive invidia, ſive fortuna ſingulari, divina & incredibili fide.

XXXIV. Sed jam ſatis multa de cauſa: extra cauſam etiam nimis fortaſſe multa. Quid reſtat, niſi ut orem obteſterque vos, Judices, ut eam miſericordiam tribuatis fortiſſimo viro, quam ipſe non implorat; ego autem, repugnante hoc, & imploro, & expoſco? Nolite, ſi in noſtro omnium fletu nullam lacrymam adſpexiſtis Milonis, ſi vultum ſemper eundem, ſi vocem, ſi orationem ſtabilem ac non mutatam videtis, hoc ei minus parcere: atque haud ſcio an multò etiam ſit adjuvandus magis. Etenim ſi in gladiatoriis pugnis,

NOTES.

(66.) *Cum audiretur ſilentio M. Cœlius tribunus plebis.*] As Milo returned to Rome the ſame night on which the ſenate-houſe was ſet on fire, Cœlius, one of the tribunes of the people, having called an aſſembly of all thoſe who favoured Milo, inveighed ſeverely againſt Clodius, and enumerated the various inſtances of his guilt and villainy; upon which the reſt of the tribunes ruſhed into the forum, with a body of armed men, and had killed both Cœlius and Milo, if they had not dreſſed themſelves like ſlaves, and by that means made their eſcape. They killed many of the citizens, thoſe eſpecially who by their dreſs ſeemed to be perſons of diſtinction; and under a pretence of ſearching for Milo, forced their way into many houſes, and plundered them. This account we have from Aſconius, who inſtead of Cœlius reads Cæcilius.

(67.) *Et in ſuſcepta cauſa firmiſſimus.*] Pompey, to calm the public diſorders occaſioned by Clodius's death, publiſhed ſeveral new laws, by one of which the method of trials was altered, and the length of them limited: Three days were allowed for the examination of witneſſes, and the fourth for the ſentence; on which the accuſer was to have two hours only, to enforce the charge; the criminal three, for his defence. Cœlius, or

ſtood till his conſulſhip, in ſhort, had he been alive, would he have committed no miſchief; who, when dead, by the direction of Sextus Clodius, one of his dependents, ſet the ſenate-houſe on fire? Was ever ſight more dreadful, more ſhocking, and more miſerable? That the temple of holineſs, dignity, wiſdom, public counſel, the head of this city, the ſanctuary of her allies, the refuge of all nations, the ſeat granted to this order by the unanimous voice of the Roman people, ſhould be fired, eraſed, and defiled? And not by a giddy mob, tho' even that would have been dreadful, but by one man; who, if he dared to commit ſuch havock for his deceaſed friend as a revenger, what would he not, as a leader, have done for him when living? He choſe to throw the body of Clodius into the ſenate-houſe, that, when dead, he might burn what he had ſubverted when living. Are there any who complain of the Appian way, and yet are ſilent as to the ſenate-houſe? Can we imagine that the forum could have been defended againſt that man, when living, whoſe lifeleſs corſe deſtroyed the ſenate-houſe? Raiſe, raiſe him if you can from the dead; will you break the force of the living man, when you can ſcarce ſuſtain the rage occaſioned by his unburied body? Unleſs you pretend that you ſuſtained the attacks of thoſe who ran to the ſenate-houſe with torches, to the temple of Caſtor with ſcythes, and flew all over the forum with ſwords. You ſaw the Roman people maſſacred, an aſſembly attacked with arms, while they were attentively hearing Marcus Cælius, the tribune of the people; a man undaunted in the ſervice of the republic; moſt reſolute in whatever cauſe he undertakes; devoted to good men, and to the authority of the ſenate; and who has diſcovered a divine and amazing fidelity to Milo under his preſent circumſtances; to which he was reduced either by the force of envy, or a ſingular turn of fortune.

SECT. XXXIV. But now I have ſaid enough in relation to the cauſe, and perhaps taken too much liberty in digreſſing from the main ſubject. What then remains but to beſeech and adjure you, my Lords, to extend that compaſſion to a brave man, which he diſdains to implore, but which I, even againſt his conſent, implore and earneſtly intreat. Tho' you have not ſeen him ſhed a ſingle tear while all are weeping around him, tho' he has preſerved the ſame ſteady countenance, the ſame firmneſs of voice and language, do not on this account withhold it from him: Indeed I know not whether theſe circumſtances ought not to plead with you in his favour.

NOTES.

or Cæcilius, vigorouſly oppoſed this law, as having no foundation in juſtice or equity, and being provided particularly againſt Milo.

He was obliged to withdraw his negative, however, upon Pompey's declaring, that he would ſupport it by force of arms.

nis, & in infimi generis hominum conditione atque fortuna, timidos & ſupplices, &, ut vivere liceat, obſecrantes, etiam odiſſe ſolemus: ſorte & animoſos, & ſe acriter ipſos morti offerentes ſervare cupimus: eorumque nos magis miſeret, qui noſtram miſericordiam non requirunt, quam qui illam efflagitant: quanto hoc magis in fortiſſimis civibus facere debemus? Me quidem, Judices, exanimant & interimunt hæ voces Milonis, quas audio aſiduè, & quibus interſum quotidie. Valeant, inquit, valeant cives mei; ſint incolumes, ſint florentes, ſint beati: ſtet hæc urbs præclara, mihique patria cariſſima quoque modo merita de me erit; tranquilla repub. cives mei, quoniam mihi cum illis non licet, ſine me ipſi, ſed per me tamen, perfruantur; ego cedam, atque abibo; ſi mihi republica bona frui non licuerit, at carebo mala: &, quam primum tetigero bene moratam & liberam civitatem, in ea conquieſcam. O fruſtra, inquit, ſuſcepti mei labores! ô ſpes fallaces! ô cogitationes inanes meæ! ego, cum tribunus pleb. repub. oppreſſa, me Senatui dediſſem, quem exſtinctum acceperam; equitibus Romanis, quorum vires erant debiles; bonis viris, qui omnem auctoritatem Clodianis armis abjecerant; mihi unquam bonorum præſidium defuturum putarem? Ego, cum te (mecum enim ſæpiſſime loquitur) patriæ reddidiſſem, mihi non futurum in patria putarem locum? Ubi nunc Senatus eſt, quem ſecuti ſumus? ubi equites Romani illi, illi, inquit, tui? ubi ſtudia municipiorum? ubi Italiæ voces? ubi denique tua, M. Tulli, quæ plurimis ſuit auxilio, vox & defenſio? mihine ea ſoli, qui pro te toties morti me obtuli, nihil poteſt opitulari.

XXXV. Nec vero hæc, Judices, ut ego nunc, flens, ſed hoc eodem loquitur vultu, quo videtis; negat enim ſe, negat ingratis civibus feciſſe, quæ fecerit; timidis, & omnia circumſpicientibus pericula, non negat; plebem & infimam multitudinem, quæ, P. Clodio

your. If in the combats of gladiators, where perſons of the loweſt rank, the very dregs of the people are engaged, we look with ſo much contempt on cowards, on thoſe who meanly beg their lives, and are ſo fond of ſaving the brave, the intrepid, and thoſe who chearfully offer their breaſts to the ſword; if, I ſay, we feel more pity for thoſe who ſeem above aſking our pity, than for thoſe who with earneſtneſs intreat it, how much more ought we to be thus affected where the intereſts of our braveſt citizens are concerned? The words of Milo, my Lords, which he frequently utters, and which I daily hear, kill and confound me. May my fellow-citizens, ſays he, flouriſh, may they be ſafe, may they be glorious, may they be happy! May this renowned city proſper, and my country, which ſhall ever be dear to me, in whatſoever manner ſhe ſhall pleaſe to treat me: Since I muſt not live with my fellow-citizens, let them enjoy peace and tranquillity without me; but then, to me let them owe their happineſs. I will withdraw, and retire into exile; if I cannot be a member of a virtuous commonwealth, it will be ſome ſatisfaction not to live in a bad one; and as ſoon as I ſet foot within a well-regulated and free ſtate, there will I fix my abode. Alas, cries he, my fruitleſs toils! my fallacious hopes! my vain and empty ſchemes! Could I, who, in my tribuneſhip, when the ſtate was under oppreſſion, gave myſelf up wholly to the ſervice of the ſenate, which I found almoſt deſtroyed; to the ſervice of the Roman knights, whoſe ſtrength was ſo much weakned; to the ſervice of all good citizens, from whom the oppreſſive arms of Clodius had wreſted their due authority, could I ever have imagined I ſhould want a guard of honeſt men to defend me? When I reſtored you to your country, (for we frequently diſcourſe together) could I ever have thought that I ſhould be driven myſelf into baniſhment? Where is now that ſenate, to whoſe intereſt we devoted ourſelves? Where, where, ſays he, are thoſe Roman knights of yours? What is become of that warm affection the municipal towns formerly teſtified in your favour? What is become of the acclamations of all Italy? what is become of thy art, of thy eloquence, my Tully, which have ſo often been employed to preſerve your fellow-citizens? Am I the only perſon, to whom alone they can give no aſſiſtance; I, who have ſo often engaged my life in your defence?

SECT. XXXV. Nor does he utter ſuch ſentiments as theſe, my Lords, as I do now, with tears, but with the ſame intrepid countenance you now behold. For he denies, he abſolutely denies, that his fellow-citizens have repaid his ſervices with ingratitude; but he confeſſes they have been too timorous, too apprehenſive of danger. He declares, that in order to inſure your ſafety, he gained over the common

Clodio duce, fortunis veſtris imminebat, eam, quo tutior eſſet vita veſtra, ſuam ſe feciſſe commemorat; ut non modo virtute flecteret, (68.) ſed etiam tribus ſuis patrimoniis deliniret: nec timet, ne, cum plebem muneribus placarit, vos non conciliarit meritis in rempublicam ſingularibus. Senatûs erga ſe benevolentiam temporibus his ipſis ſæpe eſſe perſpectam: veſtras vero, & veſtrorum ordinum occurſationes, ſtudia, ſermones, quemcunque curſum fortuna dederit, ſecum ſe ablaturum eſſe dicit. Meminit etiam ſibi vocem Præconis modo defuiſſe, quam minime deſiderarit; populi vero cunctis ſuffragiis, quod unum cupierit, ſe Conſulem declaratum; nunc denique, ſi hæc arma contra ſe ſint futura, ſibi facinoris ſuſpicionem, non facti crimen obſtare. Addit hæc, quæ certe vera ſunt, FORTES ET SAPIENTES VIROS non tam præmia ſequi ſolere recte factorum, quam ipſa recte facta: ſe nihil in vita, niſi præclariſſime, feciſſe: ſiquidem nihil ſit præſtabilius viro, quàm periculis patriam liberare: beatos eſſe, quibus ea res honori fuerit à ſuis civibus: nec tamen eos miſeros, qui beneficio cives ſuos vicerint: ſed tamen, ex omnibus præmiis virtutis, ſi eſſet habenda ratio præmiorum, (69.) ampliſſimum eſſe præmium gloriam: eſſe hanc unam, quæ brevitatem vitæ poſteritatis memoria conſolaretur; quæ efficeret, ut abſentes adeſſemus, mortui viveremus: hanc denique eſſe, cujus gradibus etiam homines in cælum videantur aſcendere. De me, inquit, ſemper populus Romanus, ſemper omnes gentes loquentur, nulla unquam obmuteſcet vetuſtas; quin hoc tempore ipſo, cum omnes à meis inimicis faces invidiæ meæ ſubjiciantur, tamen omni in hominum cœtu, gratiis agendis, & gratulationibus habendis, & omni ſermoni celebramur. Omitto Etruriæ feſtos & actos, & inſtitutos dies: centeſima lux eſt hæc ab interitu P. Clodii, &, opinor, altera: quà fines imperii populi Romani ſunt, eà non ſolum fama jam de illo, ſed etiam lætitia peragravit. Quamobrem ubi corpus

NOTES.

(68.) *Sed etiam tribus ſuis patrimoniis deliniret.*] Milo had three eſtates; one left him by his father, another by his mother, and the third by Caius Annius, his grandfather by the mother's ſide, by whom he was adopted. All the three he ſpent upon largeſſes, and public ſports, for which he was charged with bribery; but Cicero ſays, theſe largeſſes were beſtowed upon the people, by Milo, with no other deſign but that the rich might be preſerved from being robbed.

(69.) *Ampliſſimum eſſe præmium, gloriam.*] It will not ſeem ſtrange, to obſerve the wiſeſt of the ancients puſhing this principle to ſo great a length, and conſidering glory as the ampleſt reward of a well-ſpent life; when we reflect, that the greateſt part of them had no notion of any other reward or futurity; and even thoſe who believed a ſtate of happineſs to the good, yet entertained it with ſo much diffidence, that they indulged it rather as a wiſh, than a well-grounded hope; and were glad therefore to lay hold on that which ſeemed to be within their reach, a futurity of their own creating; an immortality of fame and glory from the applauſe of poſterity. This, by a pleaſing fiction, they looked upon as a propagation of life, and an eternity of exiſtence; and had no ſmall comfort in imagining, that tho' the ſenſe

common people, all the ſcum of the populace, to his intereſts, when under their leader Clodius they threatened your property and your lives; that he not only curbed them by his reſolution, but ſoothed their rage at the expence of his three inheritances. And while, by his liberality he appeaſes the fury of the people, he entertains not the leaſt doubt but that his extraordinary ſervices to the ſtate will procure him your affection and favour. Repeated proofs of the ſenate's eſteem, he acknowledges that he has received, even upon the preſent occaſion; and declares, that, wherever fortune may convey him, ſhe can never deprive him of thoſe marks of honour, regard and affection, conferred upon him by you and the people of Rome. He recollects too that he was declared conſul by the univerſal ſuffrage of the people, the only thing he valued or deſired; and that in order to his being inveſted with that office the voice of the cryer was only wanting; a matter, in his opinion, of very little importance. But now if theſe arms are to be turned againſt him, at laſt, 'tis a ſatisfaction to him that it is not owing to his guilt, but to the ſuſpicion of it. He adds likewiſe, what is unqueſtionably true, that the brave and wiſe perform great actions, not ſo much on account of the rewards attending them, as on account of their own intrinſic excellence; that through his whole courſe of life, whatever he has done has been nobly done, ſince nothing can be more truly great than for a man to reſcue his country from impending dangers: that they are without doubt happy, whom their fellow-citizens have repaid with their due reward of honour, but that neither are thoſe to be eſteemed unhappy whoſe ſervices have exceeded their rewards. Yet, ſhould we in the purſuits of virtue have any of its rewards in view, he is convinced that the nobleſt of all is glory; that this alone compenſates the ſhortneſs of life, by the immortality of fame; that by this we are ſtill preſent, when abſent from the world, and ſurvive even after death; and that by the ſteps of glory, in ſhort, mortals ſeem to mount to heaven. Of me, ſays he, the people of Rome, all the nations of the earth, ſhall talk, and my name ſhall be known to the lateſt poſterity. Nay, at this very time, when all my enemies combine to inflame an univerſal odium againſt me, yet I receive the thanks, congratulations and applauſes of every aſſembly. Not to mention the Tuſcan feſtivals inſtituted in honour of me, it is now about an hundred days ſince the death of Clodius, and yet, I am perſuaded, not only the fame of this action, but the joy ariſing from it, has reached beyond the remoteſt bounds of the Roman empire. It is therefore, continues

NOTES.

ſenſe of it ſhould not reach to themſelves, it would extend at leaſt to others; and that they ſhould be doing good ſtill when dead, by leaving the example of their virtues to the imitation of mankind.

corpus hoc ſit, non, inquit, laboro, quoniam omnibus in terris & jam verſatur, & ſemper habitabit nominis mei gloria.

XXXVI. Hæc tu mecum ſæpe, his abſentibus: ſed iiſdem audientibus, hæc ego tecum Milo. Te quidem, quod iſto animo es, ſatis laudare non poſſum, ſed quo eſt illa magis divina virtus, eo majore à te dolore divellor. Nec vero, ſi mihi eriperis, reliqua eſt illa tamen ad conſolandum querela, ut his iraſci poſſim, à quibus tantum vulnus accepero; non enim inimici mei te mihi eripient, ſed amiciſſimi: non male aliquando de me meriti, ſed ſemper optime. Nullum unquam, Judices, mihi tantum dolorem inuretis (etſi, quis poteſt eſſe tantus?) ſed ne hunc quidem ipſum, ut obliviſcar, quanti me ſemper feceritis; quæ ſi vos cepit oblivio, aut ſi in me aliquid offendiſtis, cur non id meo capite potius luitur, quàm Milonis? Præclare enim vixero; ſi quid mihi acciderit prius, quam hoc tantum mali videro. Nunc me una conſolatio ſuſtentat, quod tibi, O T. Anni, nullum à me amoris, nullum ſtudii, nullum pietatis officium defuit. (70.) Ego inimicitias potentium pro te appetivi: ego meum ſæpe corpus & vitam objeci armis inimicorum tuorum: ego me plurimis pro te ſupplicem abjeci: bona, fortunas meas ac liberorum meorum in communionem tuorum temporum contuli: hoc denique ipſo die, ſi qua vis eſt parata, ſi qua dimicatio capitis futura, depoſco. Quid jam reſtat? quid habeo quod dicam, quod faciam pro tuis in me meritis, niſi ut eam fortunam, quæcunque erit tua, ducam meam? Non recuſo, non abnuo: voſque obſecro, Judices, ut veſtra beneficia, quæ in me contuliſtis, aut in hujus ſalute augeatis, aut in ejuſdem exitio occaſura eſſe videatis.

XXXVII. His lacrymis non movetur Milo; eſt quodam incredibili robore animi: exſilium ibi eſſe putat, ubi virtuti non ſit locus: mortem naturæ finem eſſe, non pœnam. Sit hic ea mente, qua natus eſt; quid? vos Judices, quo tandem animo eritis? memoriam Milonis retinebitis, ipſum ejicietis? & erit dignior locus in terris ullus, qui hanc virtutem excipiat, quam hic qui procreavit? Vos, vos appello, fortiſſimi viri, qui multum pro republica ſanguinem effudiſtis;

NOTES.

(70.) *Ego inimicitias potentium pro te appetivi.*] So warm and ſteady was our orator's friendſhip to Milo, ſo great his attachment to him, that neither the number of the Clodian faction, nor the great power of Pompey, could deter him from undertaking his defence.

tinues he, of little importance to me, how this body of mine is diſpoſed of, ſince the glory of my name already fills, and ſhall ever poſſeſs, every region of the earth.

SECT. XXXVI. This, Milo, is what you have often talked to me, while theſe were abſent; and now that they are preſent, I repeat it to you. Your fortitude I cannot ſufficiently applaud, but the more noble and divine your virtue appears to me, the more diſtreſs I feel in being torn from you. Nor when you are ſeparated from me, ſhall I have the poor conſolation of being angry with thoſe who give the wound. For the ſeparation is not made by my enemies, but by my friends; not by thoſe, who have at any time treated me injuriouſly, but by thoſe to whom I have been always highly obliged. Load me, my Lords, with as ſevere afflictions as you pleaſe, even with that I have juſt mentioned (and none ſurely can be more ſevere) yet ſhall I ever retain a grateful ſenſe of your former favours. But if you have loſt the remembrance of theſe, or if I have fallen under your diſpleaſure, why do not ye avenge yourſelves rather upon me, than Milo? Long and happily enough ſhall I have lived, could I but die before ſuch a calamity befall me. Now I have only one conſolation to ſupport me, the conſciouſneſs of having performed for thee, my Milo, every good office of love and friendſhip it was in my power to perform. For thee, I have dared the reſentment of the great and powerful: For thee, I have often expoſed my life to the ſwords of thy enemies: For thee, I have often proſtrated myſelf as a ſuppliant: I have embarked my own and my family's eſtate, on the ſame bottom with thine; and at this very hour, if you are threatened with any violence, if your life runs any hazard, I demand a ſhare in your danger. What now remains? what can I ſay? what can I do to repay the obligations I am under to you, but embrace your fortune, whatever it ſhall be, as my own? I will not refuſe; I accept my ſhare in it: And, my Lords, I intreat you either to crown the favours you have conferred upon me by the preſervation of my friend, or cancel them by his deſtruction.

SECT. XXXVII. Milo, I perceive, beholds my tears without the leaſt emotion. Incredible firmneſs of ſoul! he thinks himſelf in exile there, where virtue has no place; and looks upon death, not as a puniſhment, but as the period of our lives. Let him then retain that nobleneſs of ſoul, which is natural to him; but how, my Lords, are you to determine? Will ye ſtill preſerve the memory of Milo, and yet drive his perſon into baniſhment? And ſhall there be found on earth a place more worthy the reſidence of ſuch virtue, than that which gave it birth? On you, on you I call, ye heroes, who have loſt ſo much blood in the ſervice of your country; to you, ye centurions, ye ſoldiers, I appeal in this hour of danger

effudiſtis; vos in viri & in civis invicti appello periculo, centuriones, voſque milites: vobis non modo inſpectantibus, ſed etiam armatis, & huic judicio præſidentibus, hæc tanta virtus ex hac urbe expelletur? exterminabitur? projicietur? ô me miſerum! me infelicem! revocare tu me in patriam, Milo, potuiſti per hos? ego te in patria per eoſdem retinere non potero? Quid reſpondebo liberis meis, qui te parentem alterum putant? quid tibi, Q. frater, qui nunc abes, conſorti mecum temporum illorum? me non potuiſſe Milonis ſalutem tueri per eoſdem, per quos noſtram ille ſervaſſet? at in qua cauſa non potuiſſe? quæ eſt grata gentibus? à quibus non potuiſſe? ab iis, qui maxime P. Clodii morte acquierunt; quo deprecante; me, Quodnam ego concepi tantum ſcelus? aut quod in me tantum facinus admiſi, Judices, cum illa indicia communis exitii indagavi, patefeci, protuli, exſtinxi? (71.) omnes in me meoſque redundant ex fonte illo dolores. Quid me reducem eſſe voluiſtis? an ut, inſpectante me, expellerentur ii, per quos eſſem reſtitutus? Nolite, obſecro vos, pati, mihi acerbiorem reditum eſſe, quam fuerit ille ipſe diſceſſus. Nam quî poſſum putare me reſtitutum eſſe, ſi diſtrahor ab iis, per quos reſtitutus ſum?

XXXVIII. Utinam dii immortales feciſſent (pace tua, patria, dixerim: metuo enim ne ſcelerate dicam in te, quod pro Milone dicam pie) ut P. Clodius non modo viveret, ſed etiam Prætor, Conſul, Dictator eſſet potius, quam hoc ſpectaculum viderem. O dii immortales! fortem, & à vobis, Judices, conſervandum virum! Minime, minime, inquit; immo vero pœnas ille debitas luerit: nos ſubeamus, ſi ita neceſſe eſt, non debitas. Hiccine vir patriæ natus, uſquam niſi in patria morietur, aut, ſi forte, pro patria? hujus vos animi monumenta retinebitis, corporis in Italia nullum ſepulcrum eſſe patiemini? hunc ſua quiſquam ſententia ex hac urbe expellet, quem omnes urbes expulſum à vobis ad ſe vocabunt? O terram illam beatam, quæ hunc virum exceperit! hanc ingratam, ſi ejecerit! miſeram, ſi amiſerit! Sed finis ſit; neque enim præ lacrymis jam loqui poſſum: & hic ſe lacrymis defendi vetat; vos oro obteſtorque, Judices, ut in ſententiis ferendis, quod ſentietis, id audeatis. Veſtram virtutem, juſtitiam, fidem (mihi credite) is maxime probabit, qui in judicibus legendis optimum & ſapientiſſimum & fortiſſimum quemque legit.

NOTES.

(71.) *Omnes in me, meoſque redundant ex fonte illo dolores.*] Cicero here refers to the conſpiracy of Catiline; the putting whoſe accomplices to death, he ſays, was the grand ſource of all his calamities.

ORA-

to the beſt of men, and braveſt of citizens; while you are looking on, while you ſtand here with arms in your hands, and guard this tribunal, ſhall virtue like this be expelled, exterminated, caſt out with diſhonour? Unhappy, wretched man that I am! could you, Milo, by theſe recall me to my country; and by theſe ſhall I not be able to keep you in yours? What anſwer ſhall I make to my children, who look on you as another father? What to you, Quintus, my abſent brother, the kind partner of all my misfortunes? that I could not preſerve Milo by thoſe very inſtruments which he employed in my preſervation? in what cauſe could I not preſerve him? a cauſe approved of by all. Who have put it out of my power to preſerve him? Thoſe who gained moſt by the death of Clodius. And who ſolicited for Milo? I myſelf. What crime, what horrid villainy was I guilty of, when thoſe plots that were conceived for our common deſtruction, were all by my induſtry traced out, fully diſcovered, laid open before you, and cruſhed at once? From that copious ſource flow all the calamities which befall me and mine. Why did you deſire my return from baniſhment? Was it that I might ſee thoſe very perſons who were inſtrumental in my reſtoration baniſhed before my face? Make not, I conjure you, my return a greater affliction to me, than was my baniſhment. For how can I think myſelf truly reſtored to my country, if thoſe friends who reſtored me are to be torn from me?

SECT. XXXVIII. By the immortal gods I wiſh (pardon me, O my country! for I fear what I ſhall ſay out of a pious regard for Milo may be deemed impiety againſt thee) that Clodius not only lived, but were prætor, conſul, dictator, rather than be witneſs to ſuch a ſcene as this. Immortal gods! how brave a man is that, and how worthy of being preſerved by you! By no means, he cries: The ruffian met with the puniſhment he deſerved; and let me, if it muſt be ſo, ſuffer the puniſhment I have not deſerved. Shall this man then, who was born to ſave his country, die any where but in his country? Shall he not at leaſt die in the ſervice of his country? Will you retain the memorials of his gallant ſoul, and deny his body a grave in Italy? Will any perſon give his voice for baniſhing a man from this city, whom every city on earth would be proud to receive within its walls? Happy the country that ſhall receive him! ungrateful this, if it ſhall baniſh him! wretched, if it ſhould loſe him! But I muſt conclude; my tears will not allow me to proceed, and Milo forbids tears to be employed in his defence. You, my Lords, I beſeech and adjure, that, in your deciſion, you would dare act as you think. Truſt me, your fortitude, your juſtice, your fidelity will more eſpecially be approved of by him, who in his choice of judges has raiſed to the bench the braveſt, the wiſeſt and the beſt of men.

ORATIO XIII.

Pro M. MARCELLO *.

I. DIUTURNI ſilentii, P. C. (1.) quo eram his temporibus uſus, non timore aliquo, ſed partim dolore, partim verecundia, finem hodiernus dies attulit; idemque initium, quæ vellem, quæque ſentirem, meo priſtino more dicendi. Tantam enim manſuetudinem, tam inuſitatam inaudiatamque clementiam, tantum in ſumma poteſtate rerum omnium modum, tam denique incredibilem ſapientiam ac pene divinam tacitus nullo modo præterire poſſum. M. enim Marcello vobis, P. C. reique publ. reddito, non ſolum illius, ſed meam etiam vocem & auctoritatem, & vobis & reipublicæ conſervatam ac reſtitutam puto. Dolebam enim, P. C. ac vehementer angebar, cum viderem, virum talem, qui in eadem cauſa eſſet, in qua ego fuiſſem, non in eadem eſſe fortuna: nec mihi perſuadere poteram, nec fas eſſe ducebam, verſari me in noſtro veteri curriculo, (2.) illo æmulo atque imitatore ſtudiorum, ac laborum meorum, quaſi quodam ſocio à me & comite diſtracto. Ergo & mihi, & meæ priſtinæ vitæ conſuetudinem, C. Cæſar, intercluſam aperuiſti,

NOTES.

* Marcus Marcellus was the head of a family, which, for a ſucceſſion of many ages, had made the firſt figure in Rome; and was himſelf adorned with all the virtues, that could qualify him to ſuſtain that dignity, which he derived from his noble anceſtors. He had formed himſelf in a particular manner for the bar, where he ſoon acquired great fame; and, of all the orators of his time, ſeems to have approached the neareſt to Cicero himſelf, in the character of a complete ſpeaker. His manner of ſpeaking was elegant, ſtrong, and copious; with a ſweetneſs of voice, and propriety of action, that added a grace and luſtre to every thing he ſaid. Of all the magiſtrates, he was the fierceſt oppoſer of Cæſar's power, and the moſt active to reduce it; his high ſpirit, and the ancient glory of his houſe, made him impatient under the thought of receiving a maſter; and when the battle of Pharſalia, where he was preſent on the ſide of Pompey, ſeemed at laſt to have impoſed one upon them, he retired to Mitylene, the uſual reſort of men of learning; there to ſpend the reſt of his days in a ſtudious retreat, remote from arms, and the hurry of war; and determined not to ſeek any grace from the conqueror. The ſenate however, encouraged by the clemency which had been ſhewn to ſeveral of the Pompeian chiefs, petitioned Cæſar for his pardon, who generouſly granted their requeſt, tho' he ſtill ſuſpected that Marcellus remained his enemy. Cicero, touched with the generoſity of this act of grace, and pleaſed with the favour conferred on his friend, expreſſed his thanks in the following

ORATION XIII.

For M. MARCELLUS.

SECT. I. THIS day, Conſcript Fathers, puts an end to that long ſilence which I have obſerved; not through any fear, but partly through grief, partly through ſhame, and puts me again in poſſeſſion of the happy privilege of ſpeaking my ſentiments as they ariſe, with my uſual freedom. I cannot behold ſo great humanity, ſuch unparallell'd and unheard-of clemency, ſo much moderation in the midſt of ſuch unlimited power; in one word, ſuch incredible and almoſt divine wiſdom, and remain in ſilence. For by the reſtoration of M. Marcellus to you and the ſtate, I pleaſe myſelf with the thought, Conſcript Fathers, that not only his, but my voice and authority is ſecured, and reſtored to you and the republic. It was matter of great, of inexpreſſible concern to me, Conſcript Fathers, to find that ſo eminent a man, who had eſpouſed the ſame cauſe with myſelf, did not partake of the ſame fortune; nor could I be ſatisfied, or think it equitable to enter upon my former courſe, while my rival, the imitator of my purſuits and toils, and as it were my companion and partner, was torn from me. You have therefore, Cæſar, opened for me the way to my former ſtate of life, and given as it were a ſignal to theſe fathers of

NOTES.

following oration; which, tho' made upon the ſpot, yet for elegance of diction, vivacity of ſentiment, and politeneſs of compliment, is ſuperior to any thing extant of the kind in all antiquity. It was delivered in the year of Rome 707, and the 61ſt of Cicero's age.

(1.) *Quo eram his temporibus uſus.*] During the civil war between Pompey and Cæſar, there was no ſenate held at Rome: for the ſenators had retired, ſome to one city, ſome to another. A great majority of them indeed followed Pompey, with the better ſort of all ranks; in this number was Cicero, who after his return to Rome, tho' he received all poſſible marks of favour from Cæſar, kept himſelf private for ſome time, and made no appearance in the ſenate.

(2.) *Illo æmulo atque imitatore ſtudiorum, ac laborum meorum.*] Marcellus was a conſtant admirer and imitator of Cicero; of the ſame principles in peace, and on the ſame ſide in war; ſo that Cicero lamented his abſence, as the loſs of a companion and partner, in their common ſtudies and labours of life.

aperuiſti, & his omnibus ad bene de omni republica ſperandum, quaſi ſignum aliquod ſuſtuliſti. Intellectum eſt enim mihi quidem in multis, & maxime in me ipſo, ſed paullo ante omnibus, cum M. Marcellum Senatui populoque Romano & reipublicæ conceſſiſti, (3.) commemoratis præſertim offenſionibus, te auctoritatem hujus ordinis, dignitatemque reipublicæ tuis vel doloribus, vel ſuſpicionibus anteferre. Ille quidem fructum omnis anteactæ vitæ hodierno die maximum cepit, cùm ſummo conſenſu Senatûs, tum præterea judicio tuo graviſſimo & maximo; ex quo profectò intelligis, quanta in dato beneficio ſit laus, cum in accepto tanta ſit gloria. Eſt vero fortunatus ille, cujus ex ſalute non minor pene ad omnes, quam ad illum ventura ſit, lætitia pervenerit. Quod ei quidem merito atque optimo jure contigit; quis enim eſt illo aut nobilitate, aut probitate, aut optimarum artium ſtudio, aut innocentia, aut ullo genere laudis præſtantior?

II. Nullius tantum eſt flumen ingenii; nulla dicendi aut ſcribendi tanta vis, tanta copia, quæ non dicam exornare, ſed enarrare, C. Cæſar, res tuas geſtas poſſit; tamen hoc affirmo, & hoc pace dicam tua, nullam in his eſſe laudem ampliorem quàm eam, quam hodierno die conſecutus es. Soleo ſæpe ante oculos ponere, idque libenter crebris uſurpare ſermonibus, omnes noſtrorum imperatorum, omnes exterarum gentium, potentiſſimorumque populorum, omnes clariſſimorum regum res geſtas cum tuis nec contentionum magnitudine, (4.) nec numero prœliorum, (5.) nec varietate regionum, nec celeritate conficiendi, nec diſſimilitudine bellorum poſſe conferri; nec vero disjunctiſſimas terras citius cujuſquam paſſibus potuiſſe peragrari, quàm tuis, non dicam curſibus, ſed victoriis luſtratæ ſunt. Quæ quidem ego niſi tam magna eſſe fatear, ut ea vix cujuſquam mens aut cogitatio capere poſſit, amens ſim: ſed tamen

NOTES.

(3.) *Commemoratis præſertim offenſionibus.*] Cæſar, after he had put an end to the Gallic war, though his commiſſion was near expiring, had no thoughts of giving it up; pretending that he could not poſſibly be ſafe, if he parted with his army, while Pompey held the province of Spain, prolonged to him for five years. The ſenate, to make him eaſy, conſented to let him take the conſulſhip, without coming to ſue for it in perſon; but that not ſatisfying him, Marcellus, who was then conſul, moved them to abrogate his command directly, and appoint him a ſucceſſor; and ſince the war was at an end, to oblige him to diſband his troops, and to come likewiſe in perſon to ſue for the conſulſhip, nor to allow the freedom of the city to his colonies beyond the Po. This related particularly to a favourite colony, which Cæſar had ſettled at Comum, at the foot of the Alps, with the freedom of the city granted to it by the Vatinian law. All the other colonies on that ſide of the Po, had before obtained from Pompey's father the rights of Latium, that is, the freedom of Rome to thoſe, who had borne an annual magiſtracy in them: but Marcellus, out of a ſingular enmity to Cæſar, would allow no ſuch right to his colony of Comum; and having caught a certain Comenſian magiſtrate, who was acting the citizen at Rome, he ordered him to be ſeized and publicly whipt; an indignity, from which all citizens were exempted by law; bidding the man

of Rome, to entertain the beſt hopes for the welfare of the republic. For when you gave back M. Marcellus to the ſenate and people of Rome, eſpecially after recounting his offences, you convinced all men of what I had learned before from your conduct to myſelf in particular, and to many others, that you had ſacrificed your reſentments and your ſuſpicions to the authority of this order, and the dignity of the ſtate. The unanimous interceſſion of the ſenate, with your ſolemn and generous determination in his favour, has this day fully repaid the ſervices of his paſt life; whence you may eaſily infer what a degree of merit muſt attend the conferring the favour, ſince there is ſo much glory in receiving it. Happy is that man indeed, whoſe ſafety affords not greater joy to himſelf than to all mankind! and ſuch is the caſe of Marcellus, who highly deſerves the fortune that attends him: for who more illuſtrious than he? who more upright? who more fond of uſeful learning? who more virtuous? who poſſeſſed of more laudable accompliſhments?

SECT. II. No flow of genius, no force of eloquence, no power of deſcription, is ſufficient, Cæſar, I will not ſay to embelliſh, but even to recount your exploits: yet this I affirm, and this with deference inſiſt upon, that from none of them will you reap greater glory than from that of this day. It has often occurred to me, and I have often declared it with pleaſure, that none of the atchievements of our own commanders, none of foreign nations, none of the moſt potent people, none of the moſt illuſtrious monarchs, are worthy to be compared with yours, either in regard to the importance of the conteſts, the number of battles, the variety of countries, the celerity of conqueſt, or the diverſity of enterprizes. Countries the fartheſt diſtant from each other could not have been ſooner travelled thro', I will not ſay than they have been traverſed by your armies, but ſubdued by your victories. Theſe are circumſtances ſo extraordinary, that it were madneſs not to confeſs that they are almoſt too great for human conception; but there are attainments

NOTES.

man go and ſhew thoſe marks of his citizenſhip to Cæſar.

(4.) *Nec numero prœliorum.*] We are told by Pliny that Cæſar himſelf uſed to ſay, his conqueſts in Gaul had coſt about a million, and two hundred thouſand lives. If the civil wars are added to the account, this ambitious monſter muſt have made greater deſolation in the world, than any tyrant perhaps that ever lived in it.

(5.) *Nec varietate regionum.*] Cæſar had waged war in Spain, Britain, Gaul, Egypt, Germany, Aſia, Africa, and Greece. He overcame Pompey, at Pharſalia; Ptolemy, in Egypt; Pharnaces the ſon of Mithridates, in Pontus; Scipio and Juba, in Africa; and the ſons of Pompey in Spain.

tamen ſunt alia majora. Nam bellicas laudes ſolent quidam extenuare verbis, eaſque detrahere ducibus, communicare cum militibus, ne propriæ ſint imperatorum; & certe in armis, militum virtus, locorum opportunitas, auxilia ſociorum, claſſes, commeatus multum juvant; maximam vero partem quaſi ſuo jure fortuna ſibi vindicat, & quidquid eſt proſpere geſtum, id pene omne ducit ſuum. At vero hujus gloriæ, C. Cæſar, quam es paulo ante adeptus, ſocium habes neminem; totum hoc quantumcunque eſt, quod certe maximum eſt, totum eſt, inquam tuum; nihil ſibi ex iſta laude Centurio, nihil Præfectus, nihil cohors, nihil turma decerpit: quin etiam illa ipſa rerum humanarum domina Fortuna in iſtius ſe ſocietatem gloriæ non offert: tibi cedit; tuam eſſe totam, & propriam fatetur; nunquam enim temeritas cum ſapientia commiſcetur, nec ad conſilium caſus admittitur.

III. Domuiſti gentes immanitate barbaras, multitudine innumerabiles, locis infinitas, omni copiarum genere abundantes; ſed ea tamen viciſti, quæ & naturam, & conditionem ut vinci poſſent, habebant; nulla eſt enim tanta vis, [tanta copia] quæ non ferro ac viribus debilitari frangique poſſit: verùm animum vincere, iracundiam cohibere, victoriam temperare, adverſarium nobilitate, ingenio, virtute præſtantem, non modo extollere jacentem, ſed etiam amplificare ejus priſtinam dignitatem; (6.) hæc qui faciat, non ego eum cum ſummis viris comparo, ſed ſimillimum Deo judico. Itaque, C. Cæſar, bellicæ tuæ laudes celebrabuntur illæ quidem non ſolum noſtris, ſed pene omnium gentium literis atque linguis: neque ulla unquam ætas de tuis laudibus conticeſcet. Sed tamen ejuſmodi res, neſcio quomodo, etiam dum audiuntur, aut dum leguntur, obſtrepi clamore militum videntur, & tubarum ſono. At vero cum aliquid clementer, manſuete, juſte, moderate, ſapienter factum, in iracundia præſertim, quæ eſt inimica conſilio, & in victoria, quæ naturâ inſolens & ſuperba eſt, aut audimus, aut legimus; quo ſtudio incendimur, non modo in geſtis rebus, ſed etiam in fictis, ut eos ſæpe, quos nunquam vidimus, diligamus? Te vero, quem præſentem intuemur, cujus mentem ſenſuſque & os cernimus, ut, quidquid belli fortuna reliquum reipub. fecerit, id eſſe ſalvum velis, quibus laudibus efferemus? quibus ſtudiis proſequemur? qua benevolentia complectemur? parietes medius fidius, C. Cæſar, ut

NOTES.

(6.) *Hæc qui faciat, non ego eum cum ſummis viris comparo, ſed ſimillimum Deo judico.*] The high compliments paid to Cæſar in this oration have given ſome handle for a charge of inſincerity againſt Cicero. It ought to be conſidered, however, that he was delivering a ſpeech of thanks, in the name and at the deſire of the ſenate, where his ſubject naturally required the embelliſhments of oratory: beſides, it appears from a letter to one of Cæſar's principal friends, that he entertained no ſmall hopes at this time, that Cæſar intended to reſtore the republic; and all his compliments are grounded on this ſuppoſition.

attainments even greater than theſe. For many are apt to depreciate military glory, and, leſt the commander ſhould aſſume too much, take part from the officer, and give it to the private ſoldier. And certainly in war the bravery of the troops, the advantage of ſituation, the aid of allies, fleets and military ſtores, are of great importance; and after all, fortune as it were of right claims the greateſt ſhare; and whatever is attended with ſucceſs, ſhe for the moſt part arrogates to herſelf. But in the glory, Cæſar, which you have lately acquired, you have no aſſociate; how great ſoever it is, and ſurely nothing can be greater, it is all your own. No commander, no captain, no troop, no battalion robs you here; nay, even fortune, the goddeſs who preſides over human affairs, claims no ſhare of this honour; to you ſhe reſigns it, and acknowledges 'tis entirely, 'tis abſolutely your own: for raſhneſs never mingles with wiſdom, nor chance with counſel.

SECT. III. You have ſubdued nations fiercely barbarous, immenſely numerous, at an infinite diſtance from each other, abounding in every thing neceſſary for war; but theſe were conqueſts which the nature of things rendered poſſible. For no force is ſo great, no power ſo extenſive, but is capable of being reduced by greater force, of being overcome by more extenſive power; but he who ſubdues the mind, who ſuppreſſes his reſentment, who uſes victory with moderation, who not only raiſes an ingenious, an illuſtrious and brave adverſary to the honour from which he was fallen, but heightens and enlarges his former dignity; he who does this ſuffers by a compariſon with the greateſt of human characters, for he reſembles the deity himſelf. Your military praiſes, Cæſar, ſhall be celebrated; they, I ſay, ſhall be celebrated, not only amongſt us, but in every language, in the annals of every nation, and the lateſt poſterity ſhall proclaim them. The fame of theſe exploits however, while we read of them, ſeems, I know not how, to be drowned amidſt the ſhouts of armies, and the din of war; but when we read or hear of a compaſſionate, a generous, a humane, a juſt, a moderate, a prudent act performed while in anger, that foe to deliberation, and in the triumph of victory, when men are generally proud and inſolent; with ſuch an ardent affection are we inflamed, that we are frequently in love with perſons whom we never ſaw; and this not only while we contemplate realities, but even while we ſurvey the pictures of the imagination. But with what gratitude ſhall we embrace, with what veneration approach, with what applauſe ſhall we crown you, whom we have conſtantly amongſt us; whoſe diſpoſition, whoſe inclination, whoſe countenance ſeems to promiſe that whatever has ſurvived the fortune of the late war, ſhall be again ſecured to us! By heavens,

ut mihi videtur, hujus curiæ tibi gratias agere geſtiunt, quod brevi tempore futura ſit illa auctoritas in his majorum ſuorum, & ſuis ſedibus.

IV. Equidem (7.) cum C. Marcelli, viri optimi, & commemorabili pietate [ac virtute] præditi lacrymas modo vobiſcum viderem, omnium Marcellorum meum pectus memoria effodit: quibus tu etiam mortuis, M. Marcello conſervato, dignitatem ſuam reddidiſti, nobiliſſimamque familiam, jam ad paucos redactam, pene ab interitu vindicaſti. Hunc tu igitur diem (8.) tuis maximis & innumerabilibus gratulationibus jure antepones: hæc enim res unius eſt propria C. Cæſaris: cæteræ, duce te, geſtæ, magnæ illæ quidem, ſed tamen multo magnoque comitatu; hujus autem rei tu idem & dux es & comes: quæ quidem tanta eſt, ut tropæis, monumentiſque tuis [nulla unquam] allatura ſit finem ætas; nihil enim eſt opere, aut manu factum, quod aliquando non conficiat & conſumat vetuſtas; at vero hæc tua juſtitia, & lenitas animi floreſcet quotidie magis, ita ut, quantum operibus tuis diuturnitas detrahet, tantum afferat laudibus. Et cæteros quidem omnes victores bellorum civilium jam ante æquitate & miſericordia viceras, hodierno vero die te ipſum viciſti. Vereor, ut hoc, quod dicam, perinde intelligi auditu poſſit, atque ego ipſe cogitans ſentio. Ipſam victoriam viciſſe videris, cum ea ipſa, quæ illa erat adepta, victis remiſiſti; nam cum ipſius victoriæ conditione jure omnes victi occidiſſemus, clementiæ tuæ judicio conſervati ſumus; recte igitur unus invictus es, à quo etiam ipſius victoriæ conditio viſque devicta eſt.

V. Atque hoc C. Cæſaris judicium, P. C. quam late pateat, attendite; omnes enim, qui ad illa arma fato ſumus neſcio quo reipublicæ miſero funeſtoque compulſi, etſi aliqua culpa tenemur erroris humani, à ſcelere certe liberati ſumus; nam cum M. Marcellum, deprecantibus vobis, reipublicæ conſervavit, memet mihi & item reipublicæ, nullo deprecante, reliquos ampliſſimos viros, & ſibi ipſos, & patriæ reddidit; quorum & frequentiam & dignitatem hoc ipſo in conſeſſu videtis: non ille hoſtes induxit in curiam, ſed judicavit, à pleriſque ignoratione potius, & falſo atque inani metu, quam cupiditate aut crudelitate bellum eſſe ſuſceptum; quo quidem in

NOTES.

(7.) *Cum C. Marcelli, viri optimi, et commemorabili pietate præditi lacrymas modo vobiſcum viderem.*] This C. Marcellus was conſul with L. Lentulus, in the firſt year of the civil war. He was brother to Marcus Marcellus, and addreſſed Cæſar in his behalf, in a very humble and affectionate manner.

(8.) *Tuis maximis et innumerabilibus gratulationibus.*] Cæſar, on account of his ſucceſſes in Gaul, had a ſupplication or public thankſgiving of twenty-five days decreed him; an honour, which he himſelf ſays, had never before been granted to any: and when the civil wars were at an end, according to Dio, forty days were decreed to him for the ſame purpoſe.

Cæſar, the walls of this court ſeem with tranſport to pay their grateful acknowledgements to you; conſcious, as it were, that e'er long the authority of our anceſtors ſhall be again replaced within them.

SECT. IV. Indeed when I beheld the tears which that ſingularly pious, that beſt of men, C. Marcellus, poured out before you, the memory of all the Marcelli ſtruck me to the heart; whoſe dignity, even after their death, you have reſtored, by the preſervation of M. Marcellus; and reſcued that illuſtrious houſe, now well nigh extinct, from almoſt total ruin. Juſtly therefore may you prefer the glory of this day to that of your numberleſs heroic deeds; for this is the act of Cæſar alone. Great indeed are the exploits which have been performed under your conduct; yet they were performed with great, with powerful aſſiſtance. In the act of this day you are yourſelf the conductor, yourſelf the aſſiſtant; an act ſo truly great, that time itſelf ſhall not conſume the trophies and monuments it has reared: All the works of art and labour muſt be deſtroyed by age; but this proof of your juſtice, and gentleneſs of diſpoſition, ſhall daily flouriſh more and more; ſo that in proportion as time ſhall conſume the other monuments of your greatneſs, it ſhall heighten the glory of this. You had before riſen ſuperior, in the virtues of equity and mercy, to every other conqueror in our civil wars; this day you have riſen ſuperior to yourſelf. But what I ſay, I am afraid, falls infinitely ſhort of what I feel: Permit me therefore to add, that you ſeem to have triumphed over victory herſelf, ſince you have reſtored to the conquered what you had gained by the conqueſt. For by the right of arms we might all have been treated as enemies; but your clemency ſaved us: you alone therefore are invincible, ſince even victory is by you ſtripped of all her power and privileges.

SECT. V. And obſerve, Conſcript Fathers, how widely this clemency of Cæſar extends. All of us, who were driven into the war by an unaccountable and deſtructive fatality of the ſtate, tho' we are certainly in ſome degree liable to the imputation of human infirmity, yet are we evidently acquitted of guilt. For tho' he has, at your interceſſion, preſerved M. Marcellus to the republic, yet has he, unſolicited, reſtored me to myſelf and to the ſtate; and likewiſe reſtored, to themſelves and to their country, thoſe illuſtrious men, whoſe number and dignity grace this aſſembly: He has not brought his enemies within theſe walls, but generouſly imagined that moſt of thoſe who oppoſed him engaged in the war rather thro' ignorance and groundleſs fears, than from principles of ambition, or a love of cruelty. In that war, indeed, I thought it always ad-

in bello ſemper de pace agendum, audiendumque eſſe putavi; ſemperque dolui, non modo pacem, ſed orationem etiam civium pacem flagitantium repudiari. Neque enim ego illa, nec ulla unquam ſecutus ſum arma civilia; ſemperque mea conſilia pacis & togæ ſocia, non belli atque armorum fuerunt: hominem ſum ſecutus privato officio, non publico: (9.) tantumque apud me grati animi fidelis memoria valuit, ut nulla non modo cupiditate, ſed ne ſpe quidem, prudens & ſciens, tanquam ad interitum ruerem voluntarium. Quod quidem meum conſilium minime obſcurum fuit; nam & in hoc ordine, integra re, multa de pace dixi; (10.) & in ipſo bello eadem etiam cum capitis mei periculo ſenſi. Ex quo jam nemo erit tam injuſtus rerum æſtimator, qui dubitet, quæ Cæſaris voluntas de bello fuerit, cum pacis auctores conſervandos ſtatim cenſuerit, cæteris fuerit iratior. Atque id minus mirum videretur fortaſſe tum, cum eſſet incertus exitus, & anceps fortuna belli; qui vero victor pacis auctores diligit, is profecto declarat, ſe maluiſſe non dimicare, quam vincere.

VI. Atque hujus quidem rei M. Marcello ſum teſtis; noſtri enim ſenſus, ut in pace ſemper, ſic tum etiam in bello congruebant: quoties ego cum, & quanto cum dolore vidi, cum inſolentiam certorum hominum, tum etiam ipſius victoriæ ferocitatem extimeſcentem? Quo gratior tua liberalitas, C. Cæſar, nobis, qui illa vidimus, debet eſſe; non enim jam cauſæ ſunt inter ſe, ſed victoriæ comparandæ. Vidimus tuam victoriam præliorum exitu terminatam; gladium vagina vacuum in urbe non vidimus; quos amiſimus cives, eos Martis vis perculit, non ira victoriæ: ut dubitare debeat nemo, quin multos, ſi fieri poſſet, C. Cæſar ab inferis excitaret; quoniam ex eadem acie conſervat quos poteſt. Alterius vero partis (11.) nihil amplius dicam, quam id, quod omnes verebamur, nimis iracundam futuram

NOTES.

(9.) *Tantumque apud me grati animi fidelis memoria valuit.*] Tho' Cicero certainly preferred the cauſe of Pompey to that of Cæſar, yet his perſonal affection for Pompey, and his gratitude for favours received, which had ever the greateſt weight with him, had no ſmall ſhare in determining him to join him. For though he was diſpleaſed with Pompey's management of the war, and had no hopes of his ſucceſs; though he knew him before to be no politician, and ſoon perceived him to be no general; yet, with all his faults, he could not endure the thought of deſerting him.

(10.) *Et in ipſo bello eadem etiam cum capitis mei periculo ſenſi.*] Cicero was not preſent at the battle of Pharſalia, nor was Cato, who ſtaid behind alſo in the camp at Dyrrachium, which he commanded with fifteen cohorts, when Labienus brought them the news of Pompey's defeat: upon which Cato offered the command to Cicero, as the ſuperior in dignity; and upon his refuſal of it, as Plutarch tells us, young Pompey was ſo enraged, that he drew his ſword, and would have killed him upon the ſpot, if Cato had not prevented it. Tho' this fact is not mentioned by Cicero, yet it is probable that he refers to it in this paſſage.

(11.) *Nihil amplius dicam, quam id, quod omnes verebamur, nimis iracundam futuram fuiſſe victoriam.*] It appears from many of Cicero's letters that he was frequently ſhocked, when he conſidered with what cruelty and effuſion of evil blood the ſucceſs even of his own friends would certainly be attended.

viſeable to hearken to propoſals of peace, and was not a little grieved that not only an accommodation, but even the petition of the citizens who earneſtly implored it, was totally rejected. Never was I active in theſe or any other civil commotions; I have always been an advocate for peace and tranquillity, always an enemy to war and bloodſhed. I joined Pompey on friendly, not political principles; and ſo ſtrongly was I influenced by a grateful ſenſe of my obligations to him, that not only without any ambition, but even without any hope, I ruſhed voluntarily upon evident deſtruction. My advice relating to the war, was far from being ſecret. Before matters came to an extremity, I ſtated largely the advantages of peace in this aſſembly; and during the war I maintained the ſame opinion even at the hazard of my life. Whence none can form ſo unjuſt an eſtimate of things as to doubt what were the ſentiments of Cæſar upon this head, ſince he immediately reſolved to preſerve thoſe who were the adviſers of peace, but behaved with more reſentment to the reſt. This conduct might not perhaps appear ſo ſurpriſing, when the event of the war was uncertain, and victory doubtful; but when he who is victorious careſſes the friends of peace, he gives the cleareſt proof that he would rather not have fought, than have conquered.

SECT. VI. And as to this point I am an evidence in behalf of M. Marcellus; for our ſentiments were always the ſame, as well in war as in peace. How often, and with what concern have I ſeen him trembling at the inſolence of ſome amongſt us, and the inhumanity to which victory might tranſport them? Hence it is, Cæſar, that we who have been witneſſes of theſe things ought to be the more ſenſible of your generoſity: for we are not now weighing the merits of the cauſe, but the conſequences of victory. We have ſeen your victory cloſe in the field where it was won, and have never ſeen a ſword drawn within our walls. The citizens we loſt, fell in battle, not by the inſolence of victory; whence there can be no doubt but that if it were poſſible Cæſar would recall many from the ſhades, ſince he now ſaves all he can from deſtruction. As to the other party, I ſhall only add what we were all afraid of, that had they been ſucceſsful they would have been outrageous,

NOTES.

tended. For Pompey on all occaſions affected to imitate Sylla, and was often heard to ſay, *could Sylla do ſuch a thing, and cannot I do it?* as if determined to make Sylla's victory the pattern of his own. He was in much the ſame circumſtances in which that conqueror had once been; ſuſtaining the cauſe of the ſenate by his arms, and treated as an enemy by thoſe who poſſeſſed Italy; and as he flattered himſelf with the ſame good fortune, ſo he was meditating the ſame kind of return, and threatening ruin and proſcription to all his enemies.

futuram fuiſſe victoriam; quidam enim non modo armatis, ſed interdum etiam otioſis minabantur: nec, quid quiſque ſenſiſſet, ſed ubi fuiſſet, cogitandum eſſe dicebant: ut mihi quidem videantur dii immortales, etiam ſi pœnas à populo Romano ob aliquod delictum expetiverunt, qui civile bellum tantum & tam luctuoſum excitaverunt, vel placati jam, vel etiam ſatiati aliquando omnem ſpem ſalutis ad clementiam victoris & ſapientiam contuliſſe. Quare gaude tuo iſto tam excellenti bono, & fruere cùm fortuna & gloria, tum etiam natura & moribus tuis: ex quo quidem maximus eſt fructus jucunditaſque ſapienti; cætera cùm tua recordabere, etſi perſæpe virtuti, tamen plerumque felicitati tuæ gratulabere: de nobis, quos in repub. tecum ſimul ſalvos eſſe voluiſti, quoties cogitabis, toties de maximis tuis beneficiis, toties de incredibili liberalitate, toties de ſingulari ſapientia tua cogitabis: quæ non modo ſumma bona, ſed nimirum audebo vel ſola dicere; tantus eſt enim ſplendor in laude vera, tanta in magnitudine animi & conſilii dignitas, ut hæc à virtute donata, cætera à fortuna commodata eſſe videantur. Noli igitur in conſervandis bonis viris defatigari, non cupiditate præſertim, aut pravitate aliqua lapſis, ſed opinione officii, ſtulta fortaſſe, certe non improba, & ſpecie quadam reipublicæ: non enim tua ulla culpa eſt, ſi te aliqui timuerunt; contraque ſumma laus, quod plerique minime timendum fuiſſe ſenſerunt.

VII. Nunc vero venio (12.) ad graviſſimam querelam, & atrociſſimam ſuſpicionem tuam; quæ non tibi ipſi magis, quam cùm omnibus civibus, tum maxime nobis, qui à te conſervati ſumus, providenda eſt; quam etſi ſpero eſſe falſam, nunquam tamen verbis extenuabo: tua enim cautio, noſtra cautio eſt; ut, ſi in alterutro peccandum ſit, malim videri nimis timidus, quam parum prudens: ſed quiſnam eſt iſte tam demens? de tuiſne? tametſi qui magis ſunt tui, quam quibus tu ſalutem inſperantibus reddidiſti? an exeo numero, qui una tecum fuerunt? non eſt credibilis tantus in ullo furor, ut, quo duce omnia ſumma ſit adeptus, hujus vitam non anteponat

NOTES.

(12.) *Ad graviſſimam querelam, et atrociſſimam ſuſpicionem tuam.*] When Marcellus's brother threw himſelf at the feet of Cæſar, and applied for a pardon in the moſt humble and affectionate manner, Cæſar complained greatly of Marcellus, and ſaid, he ſuſpected that he deſigned to lay ſnares for him.

outrageous, ſince ſome amongſt them not only threatened thoſe who were actually in arms, but ſometimes even the neutral and inactive, and publicly declared they would not enquire what a man thought, but where he had been: So that it ſeems to me as if the immortal gods (tho' they may have raiſed this deſtructive, this calamitous civil war to puniſh the Roman people for ſome aggravated offence) being appeaſed or ſufficiently avenged, had at length directed us to hope for ſafety from the wiſdom and compaſſion of our conqueror. Wherefore rejoice in this amiable quality; enjoy your fortune and dignity; enjoy your virtue and noble diſpoſition; from which the wiſe derive the higheſt delight and ſatisfaction. When you reflect on the other illuſtrious actions of your life, tho' you will find reaſon to attribute much to your bravery, yet, more muſt be attributed to your good fortune; but as often as you think of us, whom you have reſerved to enjoy with yourſelf the happineſs of our country, ſo often ſhall be revived in your mind the pleaſing remembrance of your extenſive beneficence, of your amazing generoſity, and of your unparallell'd wiſdom; virtues, which I will venture to ſay, not only conſtitute the higheſt but the only happineſs of our natures. So diſtinguiſhed a luſtre is there in deſerved applauſe, ſo great a dignity in magnanimity and true wiſdom, that theſe ſeem the gift of virtue, while other bleſſings are only the temporary loan of fortune. Continue therefore to protect the good; thoſe eſpecially who fell not through ambition or depravity of mind, but erred through an imaginary apprehenſion of their duty, weak perhaps, ſurely not criminal, and ſupported by an appearance of patriotiſm. If you have been dreaded by any, their fears are not to be charged to your account; on the contrary, 'tis your higheſt honour that moſt men now perceive there was no foundation for them.

SECT. VII. I now proceed to your heavy charge and dark ſuſpicions; ſuſpicions that call not more loudly for your circumſpection, than for that of every Roman, but more eſpecially for ours who are indebted to you for our ſecurity: and tho' I hope they are groundleſs, yet I will not, by what I ſhall now ſay, endeavour to leſſen them. For in your precaution conſiſts our ſafety; ſo that were I to err in either extreme, I would rather appear timid than imprudent. But where is the man ſo outrageouſly deſperate? Is he among your friends? Who can be more ſo, than thoſe, whom contrary to their own expectations you reſcued from ruin? Is he among the number of thoſe who accompanied you to the war? 'Tis not to be ſuſpected that any of them can be ſo madly infatuated, as not to prefer to his own life the life of him, under whoſe command he has riſen to every thing he could wiſh for. But tho' your friends

anteponat ſuæ. At ſi tui nihil cogitant ſceleris; cavendum eſt, ne quid inimici: qui? omnes enim qui fuerunt, aut ſua pertinacia vitam amiſerunt, aut tua miſericordia retinuerunt: ut aut nulli ſuperſint de inimicis, aut, qui ſuperfuerunt, amiciſſimi ſint. Sed tamen, cum in animis hominum tantæ latebræ ſint, & tanti receſſus, augeamus ſane ſuſpicionem tuam: ſimul enim augebimus & diligentiam; nam quis eſt omnium tam ignarus rerum, tam rudis in repub. tam nihil unquam nec de ſua, nec de communi ſalute cogitans, qui non intelligat, tua ſalute contineri ſuam? & ex unius tua vitam pendere omnium? Equidem de te dies noctesque, ut debeo, cogitans, caſus duntaxat humanos & incertos eventus valetudinis, & naturæ communis fragilitatem extimeſco; doleoque cùm reſpublica immortalis eſſe debeat, eam in unius mortalis anima conſiſtere: ſi vero ad humanos caſus, incertoſque eventus valetudinis, ſceleris etiam accedat, inſidiarumque conſenſio; quem deum, etiam ſi cupiat, opitulari poſſe reipublicæ credamus?

VIII. Omnia ſunt excitanda tibi, C. Cæſar, uni, quæ jacere ſentis, belli ipſius impetu, quod neceſſe fuit, perculſa atque proſtrata: (13.) conſtituenda judicia, revocanda fides, comprimendæ libidines, propaganda ſoboles: omnia, quæ dilapſa defluxerunt, ſeveris legibus vincienda ſunt. Non fuit recuſandum in tanto bello civili, tantoque animorum ardore & armorum, quin quaſſata reſpublica, quicunque belli eventus fuiſſet, multa perderet & ornamenta dignitatis, & præſidia ſtabilitatis ſuæ; multaque uterque dux faceret armatus, quæ idem togatus fieri prohibuiſſet: quæ quidem nunc tibi omnia audivi, ſatis te diu vel naturæ vixiſſe, vel gloriæ: ſatis, ſi ita vis, naturæ fortaſſe; addo etiam, ſi placet, gloriæ; at, quod maximum eſt, patriæ certe parum. Quare omitte, quæſo, iſtam doctorum hominum in contemnenda morte prudentiam; noli noſtro periculo ſapiens eſſe; ſæpe enim venit ad aures meas, (14.) te idem iſtud nimis

NOTES.

(13.) *Conſtituenda judicia, revocanda fides, &c.*] Our orator here urges Cæſar to reſtore the Roman conſtitution; and this he does with an honeſt freedom and boldneſs, ſuch as became a true lover of his country, and, at the ſame time, with inimitable addreſs. The generoſity of the tyrant too is worthy of admiration, who, inſtead of reſenting what Cicero ſaid, appears to have been pleaſed with it. But how much more worthy of admiration would his character have been, had he followed the honeſt counſel that was given him, reſtored the republic, employed his power and influence in correcting abuſes, and ſettling the conſtitution on a firm and ſolid baſis; then would his memory have been glorious indeed, whereas now it muſt be held in utter abhorrence by every friend to liberty and mankind, who judges impartially of his conduct, without being dazzled by the glare of his victories, and the empty pomp of his triumphs.

(14.) *Te idem iſtud nimis crebro dicere, ſatis te tibi vixiſſe.*] We are informed by Suetonius, that Cæſar gave ſome of his friends good grounds to think, that he did not wiſh to live any longer, and that he was not grieved at his enjoying ſo bad a ſtate of health.

meditate no ill, the deſigns of your enemies ought to be guarded againſt: Where are they to be found? All thoſe who were once ſuch, have either loſt their lives by their own obſtinacy, or owe them to your clemency; ſo that none of thoſe who ever were your enemies are now alive, or if they are, they are now become your firmeſt friends. Yet ſo impenetrable are the ſecrets of mens hearts, ſo deep, ſo dark their deſigns, that it becomes us to increaſe your ſuſpicion, that we may at the ſame time increaſe your circumſpection. For who is ſo void of knowledge, ſo unacquainted with the affairs of the ſtate, ſo thoughtleſs about his own or the public ſafety, as not to perceive that your preſervation includes his own, and that on your life depends the life of every Roman? In truth, while you are day and night, as you ought to be, the ſubject of my thoughts, I dread the common accidents of life, the precarious enjoyment of health, and the weakneſs to which human nature is univerſally ſubject, and behold with concern this republic, which ought to be immortal, depending for its exiſtence on the life of one man; but if the united force of guilt and treaſon ſhould be added to the common accidents of life and the uncertain enjoyment of health, what god, tho' he was willing, can we depend upon to ſave our country?

SECT. VIII. By you alone, Cæſar, every thing which you now ſee proſtrate and overthrown by the unavoidable ſhock of war, is to be raiſed to its former ſtate; juſtice muſt be re-eſtabliſhed, public credit retrieved, every inordinate paſſion ſuppreſſed, the propagation of mankind encouraged, and every irregularity, every diſſolute practice checked and reſtrained by the ſeverity of laws. It was not to be expected but that in ſo calamitous a civil war, amidſt the rage of faction and the combuſtion of arms, the ſhattered ſtate, whatever was the event of the conteſt, would loſe many of its moſt graceful ornaments, many of its moſt powerful ſupports; and it may be preſumed that the commander of each party did many things in the hurry of war, which in the calm of peace he would have condemned. You alone are the perſon who muſt bind up the wounds which your bleeding country has received from the relentleſs hand of war; for none but you can heal them. It was not without concern therefore that I heard from your mouth that celebrated, that philoſophic ſaying, that you had lived long enough for the purpoſes of nature, or the acquiſition of glory. Long enough, if you will, for the purpoſes of nature; for the acquiſition of glory too, perhaps; but certainly not for the ſervice of your country. Wherefore, diſcard, I beſeech you, that ſtoiciſm which the learned affect in deſpiſing death; be not a philoſopher at our expence. I am often told that you continually repeat that ſaying, that you have lived long enough for yourſelf. This I ſhould grant, if you lived

nimis crebro dicere, ſatis te tibi vixiſſe ; credo : ſed tum id audirem, ſi tibi ſoli viveres, aut ſi tibi etiam ſoli natus eſſes ; nunc, cum omnium ſalutem civium, cunctamque rempublicam res tuæ geſtæ complexæ ſint, tantum abes à perfectione maximorum operum, ut fundamenta, quæ cogitas, nondum jeceris. Hic tu modum tuæ vitæ, non ſalute reipublicæ, ſed æquitate animi definies ? quid, ſi iſtud ne gloriæ quidem tuæ ſatis eſt ? cujus te eſſe avidiſſimum, quamvis ſis ſapiens, non negabis. Parumne igitur, inquies, gloriam magnam relinquemus ? immo vero aliis, quamvis multis, ſatis ; tibi uni parum ; quidque enim eſt, quamvis amplum ſit, id certe parum eſt tum, cum eſt aliquid amplius. Quod ſi rerum tuarum immortalium, C. Cæſar, hic exitus futurus fuit, ut, devictis adverſariis, rempublicam in eo ſtatu relinqueres in quo nunc eſt ; vide quæſo, ne tua divina virtus admirationis plus ſit habitura quam gloriæ : ſi quidem gloria eſt illuſtris ac pervagata multorum & magnorum vel in ſuos, vel in patriam, vel in omne genus hominum fama meritorum.

IX. Hæc igitur tibi reliqua pars eſt : (15.) hic reſtat actus : in hoc elaborandum eſt, ut rempublicam conſtituas, eaque tu in primis, cum ſumma tranquillitate & otio, perfruare : tum te, ſi voles, cum & patriæ, quod debes, ſolveris, & naturam ipſam expleveris ſatietate vivendi, ſatis diu, vixiſſe dicito. Quid eſt enim omnino hoc ipſum diu, in quo eſt aliquid extremum, quod cum venerit, omnis voluptas præterita pro nihilo eſt, quia poſtea nulla futura ſit ? quanquam iſte tuus animus nunquam his anguſtiis, quas natura nobis ad vivendum dedit contentus fuit : ſemper immortalitatis amore flagravit. Nec vero hæc tua vita dicenda eſt, quæ corpore & ſpiritu continetur : illa inquam, illa vita eſt tua, Cæſar quæ vigebit memoriâ ſæculorum omnium, quam poſteritas alet, quam ipſa æternitas ſemper tuebitur ; huic tu inſervias, huic te oſtentes oportet : quæ quidem quæ miretur jampridem multa habet ; nunc, etiam quæ laudet exſpectat : obſtupeſcent poſteri certe imperia, provincias, Rhenum, Oceanum, Nilum, pugnas innumerabiles, incredibiles victorias, monumenta, (16.) munera, triumphos audientes & legentes tuos ; ſed niſi hæc urbs ſtabilita tuis conſiliis & inſtitutis erit, vagabitur modo nomen tuum longe atque

NOTES.

(15.) *Hic reſtat actus.*] A paſſage from one of our orator's letters to his brother Quintus, will illuſtrate this manner of expreſſion. 'Illud te ad extremum, *ſays he*, 'ſ oro, & hortor, ut, tanquam poetæ boni, 'ſ actores induſtrii ſolent, ſic tu in extrema parte, & concluſione muneris, ac 'ſ negotii tui diligentiſſimus ſis, ut hic tertius 'ſ annus imperii tui, tanquam tertius actus, 'ſ perfectiſſimus atque ornatiſſimus fuiſſe 'ſ videatur.'

(16.) *Munera.*] It was cuſtomary for the Roman generals, after obtaining a victory, to give ſuch of their ſoldiers as had diſtinguiſhed themſelves by their bravery, a *congiarium*, which, among the Romans, was a general name for all preſents given on that occaſion, whether, money, corn, &c.

for yourſelf, or were born for yourſelf alone. But ſince the ſafety of every citizen, and the very being of the ſtate, has now a neceſſary connection with your conduct, ſo far are you from having perfected, that you have not yet laid the foundation of that important work you meditate. Will you meaſure your life then by the goodneſs of your own diſpoſition, and not by the happineſs of the ſtate? but what if that ſhould not be enough even for the purpoſes of glory, which, wiſe as you are, you muſt acknowledge to be the leading paſſion of your ſoul? ſhall I then, ſay you, leave behind me only an inconſiderable portion of glory? for others it would be amply ſufficient, but for you 'tis inconſiderable: for how great ſoever any thing may be in itſelf, it is ſtill but ſmall, when compared with what is much greater. Therefore, if after having conquered your enemies, Cæſar, you cloſe the ſcene of thoſe actions which have rendered you immortal by leaving the ſtate in its preſent condition, beware, I intreat you, leſt your divine virtues do not rather excite the admiration of others, than brighten your own glory; for true glory conſiſts in the honourable and univerſal reputation of having done many and important ſervices either to one's friends, his country, or the whole race of mankind.

SECT. IX. This part of the drama is yet to be exhibited; one ſcene is yet to open; you muſt uſe your utmoſt endeavours to ſettle our conſtitution, that you may be among the firſt who enjoy the fruits of it, in the ſweets of tranquillity and retirement; then, if you pleaſe, when you have paid the debt you owe to your country, and when nature is ſatiated with living, you may declare that you have lived long enough. But, after all, how can even this period be termed long enough, which muſt have ſome end, cancelling all paſt pleaſure whenever it arrives, becauſe there is none to ſucceed? Your ſoul has never been ſatisfied with the narrow limits of life, which nature has preſcribed us, but has ever glowed with an ardent longing after immortality. Nor can this be called your life, which conſiſts in the union of the ſoul and body; that alone, Cæſar, that, I ſay, is your life, which ſhall be preſerved in the memory of every ſucceeding age, ſhall be cheriſhed by poſterity, and defended by eternity itſelf. For theſe you muſt labour, to theſe you muſt approve yourſelf: many of your paſt exploits ſhall excite their admiration; ſomething now is wanting that ſhall merit their applauſe. Future ages will, no doubt, be ſtruck with ſurpriſe, when they read and hear of your commands, your provinces, the Rhine, the ocean, the Nile, your innumerable battles, your incredible victories, your numerous trophies, rich donations and ſplendid triumphs; but unleſs this city is ſtrengthened by your counſels, and guarded by your laws, your fame indeed will be ſcattered throughout the earth, but

atque late; ſedem quidem ſtabilem & domicilium certum non habebit. Erit inter eos etiam, qui naſcentur, ſicut inter nos fuit, magna diſſenſio; cum alii laudibus ad cælum res tuas geſtas efferent: alii fortaſſe aliquid requirent, idque vel maximum, niſi belli civilis incendium ſalute patriæ reſtinxeris: ut illud fati fuiſſe videatur, hoc conſilii. Servi igitur iis etiam judicibus, qui multis poſt ſeculis de te judicabunt, & quidem haud ſcio an incorruptius, quam nos; nam & ſine amore, & ſine cupiditate, & rurſus ſine odio & ſine invidia judicabunt. Id autem (17.) etiam ſi tunc ad te, ut quidam falsò putant, non pertinebit, nunc certe pertinet, te eſſe talem, ut tuas laudes obſcuratura nulla unquam ſit oblivio.

X. Diverſæ voluntates civium fuerunt diſtractæque ſententiæ; non enim conſiliis ſolum & ſtudiis, ſed armis etiam & caſtris diſſidebamus. Erat autem obſcuritas quædam, erat certamen inter clariſſimos duces: multi dubitabant, quid optimum eſſet; multi, quid ſibi expediret; multi quid deceret; nonnulli etiam, quid liceret. Perfuncta reſpublica eſt hoc miſero fatalique bello: vicit is, qui non fortuna inflammaret odium ſuum, ſed bonitate leniret; nec qui omnes, quibus iratus eſſet, eoſdem etiam exſilio, aut morte dignos judicaret: arma ab aliis poſita, ab aliis erepta ſunt. Ingratus eſt injuſtuſque civis, qui armorum periculo liberatus, animum tamen retinet armatum: ut etiam ille ſit melior, qui in acie cecidit, qui in cauſa animam profudit; quæ enim pertinacia eſt quibuſdam, eadem aliis conſtantia videri poteſt. Sed quia jam omnis fracta diſſenſio eſt armis, & exſtincta æquitate victoris; reſtat, ut omnes unum velint, qui modo habent aliquid non ſolum ſapientiæ ſed etiam ſanitatis. Niſi te, C. Cæſar, ſalvo, & in iſta ſententia, qua cum antea, tum hodie vel maxime uſus es, manente, ſalvi eſſe non poſſumus. Quare omnes te, qui hæc ſalva eſſe volumus, & hortamur, & obſecramus, ut vitæ, ut ſaluti tuæ conſulas: omneſque tibi (ut pro aliis etiam loquar, quod de me ipſe ſentio) quoniam ſubeſſe aliquid putas, quod cavendum ſit, non modo excubias & cuſtodias, ſed etiam laterum noſtrorum oppoſitus & corporum pollicemur.

XI. Sed ut, unde eſt orſa, in eodem terminetur oratio mea; maximas tibi gratias agimus, C. Cæſar, majores etiam habemus. Nam

NOTES.

(17.) *Etiam ſi tunc ad te, ut quidam falsò putant, non pertinebit.*] According to Salluſt, Cæſar did not believe that the ſouls of men were immortal, for which Cicero, in this paſſage, gently reprehends him.

it will have no fixed reſidence, no certain place of abode. Thoſe who ſhall ariſe hereafter will, like us, be divided in their opinions; while ſome extol your actions to the ſkies, others perhaps will wiſh that ſomewhat, nay a great deal more, had been done; unleſs by reſtoring liberty to your country, upon the extinction of civil diſcord, you ſhew that the one was the work of fate, the other that of wiſdom. Have regard therefore to thoſe who will paſs ſentence upon your conduct many ages hence; and whoſe judgment, if I miſtake not, will be more impartial than ours, as it will be un-influenced by love, ambition, envy, or reſentment. And tho', as ſome falſely imagine, you ſhould then be unconcerned at all this, yet ſurely it now concerns you to act ſuch a part as that your glory may never be buried in oblivion.

SECT. X. Various were the inclinations of the citizens, and their opinions wholly divided; nor did we differ only in ſentiments and wiſhes, but in arms and in the field. The merits of the cauſe were dubious, the conteſt lay betwixt two of our moſt illuſtrious leaders: many doubted which was in the right; many, what was moſt convenient for themſelves; many, what was decent; ſome alſo what was lawful. The republic is now freed from this fatal, this deſtructive war, and victory has favoured him whoſe reſentment is not inflamed by ſucceſs, but ſoftned by clemency; him who has not adjudged to death or baniſhment thoſe who were the objects of his diſpleaſure. Some have quitted their arms; from others they have been forced. Ungrateful and unjuſt is that citizen, who being delivered from the danger of war retains the wrathful ſpirit of a warrior; far more aimable is he, who falls in the field, and pours out his life in defence of the cauſe he had eſpouſed; for what ſome will think obſtinacy, others will call conſtancy. Now ſince all civil diſcord is quaſhed by your arms, or extinguiſhed by your clemency, it remains that all of us who have any ſhare of prudence or even common underſtanding, ſhould unite in our wiſhes. We can never be ſafe, Cæſar, unleſs you continue ſo, and retain the ſame principles which you have diſcovered on other occaſions, but particularly on this day. Therefore all of us who wiſh the ſecurity of our conſtitution, earneſtly deſire and intreat you to have a regard to your life and ſafety; and all of us, (I now ſpeak for others what are the ſentiments of my own heart) ſeeing you apprehend ſome reaſon to be on your guard, promiſe not only to protect you by day and night, but offer our own bodies and our own breaſts as the ſhield of your defence.

SECT. XI. But to cloſe all, as I began: great are the thanks, Cæſar, we now return you; and greater than theſe ſhall you hereafter

Nam omnes idem ſentiunt, quod ex omnium precibus & lacrymis ſentire potuiſti. (18.) Sed quia non eſt ſtantibus omnibus neceſſe dicere, à me certe dici volunt, cui neceſſe eſt quodammodo, & quod volunt, & quod, M. Marcello à te huic ordini populoque Romano & Reipublicæ reddito, præcipue id à me fieri debere intelligo; nam lætari omnes, non ut de unius ſolum, ſed ut de communi omnium ſalute, ſentio: quod autem ſummæ benevolentiæ eſt, quæ mea erga illum omnibus ſemper nota fuit, ut vix C. Marcello, optimo & amantiſſimo fratri, præter eum quidem cederem nemini; cum id ſolicitudine, cura, labore, tamdiu præſtiterim, quamdiu eſt de illius ſalute dubitatum; certe hoc tempore magnis curis, moleſtiis, doloribus liberatus præſtare debeo. Itaque, C. Cæſar, ſic tibi gratias ago ut omnibus me rebus à te non conſervato ſolum, ſed etiam ornato, tamen ad tua innumerabilia in me unum merita, quod fieri jam poſſe non arbitrabar, maximus hoc tuo facto cumulus acceſſerit.

NOTES.

(18.) *Sed quia non eſt ſtantibus omnibus neceſſe dicere.*] Whenever any ſenator ſpoke in the ſenate, he roſe up from his ſeat, and ſtood while he was ſpeaking; but when he aſſented only to another's opinion, he continued ſitting.

ORA-

hereafter receive. Our prayers and tears, on this occaſion, are clear proofs of our being all of one mind; but as it is not neceſſary that we ſhould all perſonally addreſs you, they have allotted me that part, who am, as it were, indiſpenſibly obliged to perform it; and I am perſuaded that it is in a peculiar manner incumbent upon me, as I am appointed by the ſenate, and as M. Marcellus is the man reſtored to this aſſembly, to the people of Rome, and to the republic; for I perceive that you all rejoice on this occaſion, not for the happineſs of one man, but for the general ſafety. My friendſhip for him was univerſally obſerved to be ſcarce ſurpaſſed by his worthy and affectionate brother C. Marcellus, and, except him, certainly by none; and if by my ſolicitude, by my care and unwearied pains to ſerve him while his preſervation was doubtful, I ſhewed this ſo great regard for him, it is ſurely a tribute which I ought to pay in an hour when I am freed from ſo much anxiety, trouble and concern. Therefore, Cæſar, I here return you thanks not only for the ſecurity of my fortune, and the honours you have conferred upon me, but alſo for this generous inſtance of kindneſs by which you have crowned thoſe innumerable favours to which I thought nothing could be added.

ORA-

ORATIO XIV.

Pro Q. LIGARIO*.

I. (1.) NOVUM crimen, C. Cæſar, & ante hunc diem inauditum propinquus meus ad te Q. Tubero detulit, Q. Ligarium in Africa fuiſſe; id (2.) C. Panſa, præſtanti vir ingenio, fretus fortaſſe ea familiaritate quæ eſt ei tecum, auſus eſt confiteri. Itaque quo me vertam neſcio; paratus enim veneram, cum tu id neque per te ſcires, neque audire aliunde potuiſſes, ut ignoratione tua ad hominis miſeri ſalutem abuterer. Sed quoniam diligentia inimici inveſtigatum eſt id, quod latebat, confitendum eſt, ut opinor: præſertim cum meus neceſſarius C. Panſa fecerit, ut id jam integrum non eſſet: omiſſaque controverſia omnis oratio ad miſericordiam tuam conferenda eſt, qua plurimi ſunt conſervati, cum à te non liberationem culpæ, ſed errati veniam impetraviſſent. Habes igitur, Tubero, quod eſt accuſatori maxime optandum, confitentem reum: ſed tamen ita confitentem, ſe in ea parte fuiſſe, qua te, Tubero, qua virum omni laude dignum, patrem tuum. Itaque prius de veſtro delicto confiteamini neceſſe eſt, quam Ligarii ullam culpam reprehendatis. Q. igitur Ligarius, cum eſſet adhuc nulla belli ſuſpicio, legatus

NOTES.

* Quintus Ligarius had borne a conſiderable command in the African war againſt Cæſar. His two brothers however had always been on Cæſar's ſide; and being recommended by Panſa, and warmly ſupported by Cicero, had almoſt prevailed for his pardon. But Quintus Tubero, who had an old quarrel with Ligarius, being deſirous to obſtruct his pardon, and knowing Cæſar to be particularly exaſperated againſt all thoſe, who, through an obſtinate averſion to him, had renewed the war in Afric, accuſed him, in the uſual forms, of an uncommon zeal and violence in proſecuting that war. Cæſar privately encouraged the proſecution, and ordered the cauſe to be tried in the forum, where he ſat upon it in perſon, ſtrongly preposſeſſed againſt the criminal, and determined to lay hold on any plauſible pretence for condemning him: but the pomp and energy of Cicero's eloquence, exerted with all his ſkill in a cauſe, which he had much at heart, is ſaid by Plutarch to have had ſuch a wonderful effect, that it not only made Cæſar tremble, but what is ſtill more extraordinary, got the better of all his prejudices, and extorted a pardon from him againſt his will. Whatever truth there may be in this ſtory, which reſts entirely upon the authority of Plutarch, (who does not appear to have copied it from any earlier hiſtorian, but to have received it only from common tradition), the art and addreſs diſplayed in the oration cannot be ſufficiently admired.

ORATION XIV.

For Q. LIGARIUS.

SECT. I. A New charge, Cæſar, and till this day unheard of, my kinſman Quintus Tubero has laid before you, namely, that Quintus Ligarius was in Africa: and Caius Panſa, a perſon of the greateſt abilities, relying perhaps on that ſhare he has in your friendſhip, has ventured to own it. How to behave, therefore, I know not: for I had come prepared, as you could not poſſibly know this of yourſelf, nor learn it from any other perſon, to have taken advantage of your ignorance in this reſpect, in order to ſave an unfortunate man. But as this ſecret is diſcovered by the diligence of our adverſary, we had beſt confeſs it, I think; eſpecially as my good friend C. Panſa has ſo ordered matters, that it cannot now be remedied; and omitting all debate upon the matter, we muſt addreſs ourſelves entirely to your clemency, by which numbers have been preſerved, obtaining at your hands not abſolution from their crimes, but pardon for their error. You have then, Tubero, what is moſt to be wiſhed for by a proſecutor, the perſon accuſed pleading guilty; but pleading that you, Tubero, and your father, a man worthy of the higheſt praiſes, acted the ſame part, for which he is now accuſed: you are under a neceſſity of confeſſing your own crimes therefore, before you can impeach Ligarius. Quintus Ligarius then, when as yet there was not the leaſt ſuſpicion of a war, ſet out for Africa with Caius Conſidius, in quality of lieutenant; in which ſtation he ſo behaved himſelf both towards our countrymen and allies, that

NOTES.

admired. It was delivered in the year of Rome 707, of Cicero's age 61.

(1.) *Novum crimen.*] It is obvious to obſerve what a fine irony runs through the beginning of this oration.

(2.) *C. Panſa, præſtanti vir ingenio.*] This was C. Vibius Panſa, who was conſul with Hirtius, in the year of Rome 710. He was zealouſly attached to Cæſar, ſerved him in all his wars with ſingular affection and fidelity, but being naturally of a humane and compaſſionate temper, he was touched with the miſeries of the oppreſſed Pompeians, and by his intereſt reſtored many of them to the city and their eſtates, which rendered him extremely popular.

legatus in Africam cum proconſule C. Conſidio profectus eſt: qua in legatione & civibus & ſociis ita ſe probavit ut decedens Conſidius provincia ſatisfacere hominibus non poſſet, ſi quemquam alium provinciæ præfeciſſet. Itaque Q. Ligarius, cum diu recuſans nihil profeciſſet, provinciam accepit invitus: cui ſic præfuit in pace, ut & civibus & ſociis gratiſſima eſſet ejus integritas & fides. Bellum ſubito exarſit: quod, qui erant in Africa, ante audierunt geri, quàm parari: quo audito, partim cupiditate inconſiderata, partim cæco quodam timore, primo ſalutis, poſt etiam ſtudii ſui quærebant aliquem ducem: cum Ligarius domum ſpectans, & ad ſuos redire cupiens, nullo ſe implicari negotio paſſus eſt. (3.) Interim P. Attius Varus, qui Prætor Africam obtinuerat, Uticam venit: ad eum ſtatim concurſum eſt; atque ille non mediocri cupiditate arripuit imperium: ſi illud imperium eſſe potuit, quod ad privatum, clamore multitudinis imperitæ, nullo publico conſilio deferebatur. Itaque Ligarius, qui omne tale negotium cuperet effugere, paullum adventu Vari conquievit.

II. Adhuc, C. Cæſar, Q. Ligarius omni culpa vacat: domo eſt egreſſus, non modo nullum ad bellum, ſed ne ad minimam quidem ſuſpicionem belli: legatus in pace profectus, in provincia pacatiſſima ita ſe geſſit, ut ei pacem eſſe expediret. Profectio certe animum tuum non debet offendere; num igitur remanſio? multo minus; nam profectio voluntatem habuit non turpem, remanſio etiam neceſſitatem honeſtam. Ergo hæc duo tempora carent crimine: unum, cum eſt legatus profectus; alterum, cum efflagitatus à provincia, præpoſitus Africæ eſt. Tertium eſt tempus, quo poſt adventum Vari in Africa reſtitit; quod ſi eſt criminoſum, neceſſitatis crimen eſt, non voluntatis. An ille ſi potuiſſet illinc ullo modo evadere, Uticæ potius quam Romæ; cum P. Attio, quam cum concordiſſimis fratribus; cum alienis eſſe, quam cum ſuis maluiſſet? cum ipſa legatio plena deſiderii ac ſolicitudinis fuiſſet, (4.) propter incredibilem quendam fratrum amorem, hic æquo animo eſſe potuit, belli diſcidio diſtractus à fratribus? Nullum igitur habes, Cæſar, adhuc in Q. Ligario ſignum alienæ à te voluntatis; cujus ego cauſam, animadverte, quæſo, qua fide defendam, cum prodo meam. O clementiam admirabilem,

NOTES.

(3.) *Interim P. Attius Varus.*] This Varus was the firſt who ſeized Africe on the part of the republic, and being ſupported by all the force of king Juba, Pompey's faſt friend, reduced the whole province to his obedience. But, being defeated by Cæſar, he fled with Sex. Pompeius and Labienus into Spain, and was killed in the battle of Munda.

(4.) *Propter incredibilem quendam fratrum amorem.*] Cicero, as appears by ſeveral of his orations, took frequent occaſion to move the paſſions by celebrating the private virtues of thoſe whoſe cauſe he pleaded. The delicate manner in which he generally practiſed this art, gives us an high idea of his abilities, and ſhews how well he was acquainted with the human heart, and the methods of touching it.

that Conſidius, at his departure, could by no means have ſatisfied the inhabitants if he had given the government of the province to any other perſon. Quintus Ligarius therefore, having long declined it to no purpoſe, entered upon his charge with reluctance; and ſuch was his adminiſtration in peace, that his integrity and honour greatly endeared him both to our countrymen and allies. A war ſuddenly blazed out, which thoſe in Africa heard was already commenced, before they received intelligence that any preparation was made towards it. Upon the news of this, partly from a raſh partiality, partly from a blind fear, they looked out for a leader; firſt to protect them, afterwards to favour their inclinations. All this time, Ligarius turning his eyes towards his native country, and being deſirous of returning to his friends, did not ſuffer himſelf to be involved in any public buſineſs whatever. In the mean time, Publius Attius Varus, who, as prætor, had obtained Africa for his province, came to Utica. To him every body immediately ran, and he with no ſmall eagerneſs took the command upon himſelf, if that can be called a command, which was conferred upon a private man by an unthinking multitude, not by any public decree. Accordingly Ligarius, who was deſirous of avoiding all buſineſs of that kind, upon the arrival of Varus, gained a little reſpite.

SECT. II. Hitherto, Caius Cæſar, Quintus Ligarius is free from reproach. He went from home not only to no war, but not even with the leaſt ſuſpicion of a war; he went as lieutenant in a time of peace, and behaved in ſuch a manner in a very peaceable province, that he had reaſon to wiſh for the continuance of peace. His departure ſurely ought not to give you offence: could then his ſtay there? certainly far leſs. For his departure argued no diſhonourable views, and his ſtay was occaſioned by a laudable neceſſity. During theſe two periods, therefore, he is free from reproach; when he departed as lieutenant, and when he was ſet over Africa, at the ſolicitation of the whole province. There is a third period, namely, that when he ſtaid in Africa, after the arrival of Varus. If this was criminal, it was owing to neceſſity, not to choice. Would he, if he could by any means have eſcaped from thence, have choſen to ſtay at Utica, rather than at Rome; with Publius Attius, rather than with the moſt affectionate brothers; and with ſtrangers, rather than with his own kindred? as his government had been full of trouble and anxiety, on account of the incredible affection he bore to his brothers, could he be eaſy in his mind when torn from them by the tumults of war? hitherto, Cæſar, you have not the leaſt indication, in Quintus Ligarius, of his diſaffection to you; whoſe cauſe, obſerve, with what zeal I defend, when I thereby betray my own. Admirable clemency! worthy to be extolled, to

lem, atque omni laude, prædicatione, literis, monumentiſque decorandam! M. Cicero apud te defendit, alium in ea voluntate non fuiſſe, in qua ſe ipſum confitetur fuiſſe; nec tuas tacitas cogitationes extimeſcit; nec, quid tibi de alio audienti de ſeipſo occurrat, reformidat.

III. Vide quam non reformidem: vide quanta lux liberalitatis & ſapientiæ tuæ mihi apud te dicenti oboriatur; quantum potero, voce contendam, ut hoc populus Romanus exaudiat. Suſcepto bello, Cæſar, geſto etiam ex magna parte, nulla vi coactus, judicio meo ac voluntate ad ea arma profectus ſum, quæ erant ſumpta contra te. Apud quem igitur hoc dico? nempe apud eum, qui cum hoc ſciret, tamen me, antequam vidit, reipublicæ reddidit: qui ad me ex Ægypto literas miſit, ut eſſem idem qui fuiſſem: (5.) qui cum ipſe imperator in toto imperio populi Romani unus eſſet, eſſe me alterum paſſus eſt: a quo, hoc ipſo C. Panſa mihi nuntium perferente, conceſſos faſces laureatos tenui, quoad tenendos putavi: qui mihi tum denique ſe ſalutem putavit reddere, ſi eam nullis ſpoliatam ornamentis redderet. Vide, quæſo, Tubero, ut qui de meo facto non dubitem dicere, de Ligarii non audeam confiteri. Atque hæc propterea de me dixi, ut mihi Tubero, cum de ſe eadem dicerem, ignoſceret; cujus ego induſtriæ gloriæque faveo, vel propter propinquam cognationem, vel quod ejus ingenio ſtudiiſque delector, vel quod laudem adoleſcentis propinqui exiſtimo etiam ad meum aliquem fructum redundare. Sed hoc quæro, quis putet eſſe crimen, fuiſſe in Africa Ligarium? nempe is, qui & ipſe in Africa eſſe voluit, & prohibitum ſe à Ligario queritur, & certe contra ipſum Cæſarem eſt congreſſus armatus. (6.) Quid enim, Tubero, tuus ille

NOTES.

(5.) *Qui, cum ipſe imperator in toto imperio populi Romani unus eſſet, eſſe me alterum paſſus eſt.*] In the conſulſhip of Servius Sulpicius, and Marcus Marcellus, Cicero was ſent proconſul into Cilicia, where he defeated the Armenians, and took the city Pindeniſſus: he waged war too againſt the robbers, who infeſted mount Amanus, on which account he was ſaluted general by the ſoldiers. The following year, when L. Paulus and C. Marcellus were conſuls, he returned from his province to Italy, and came near to Rome: [by this time, a civil war had ariſen under the conſulate of Lentulus and Marcellus. But becauſe he did not actually enter the city, he kept his office, and remained proconſul; for the governors of provincet, as we learn from Ulpian, retained their office no longer than they entered Rome. We have in the ninth book of the epiſtles to Atticus, an epiſtle wrote to Cicero, in the time of the civil war, in which Balbus addreſſes Cicero thus, *L. Cornelius Balbus, Marco Tullio Ciceroni ſalutem*; and another in the tenth book, where Cæſar addreſſes him thus: *Cæſar imperator, Marco Tullio Ciceroni imperatori ſalutem.*

(6.) *Quid enim, Tubero, tuus ille diſtrictus in acie Pharſalica gladius agebat.*] This paſſage is ſuppoſed to have raiſed the ſtrongeſt emotions in Cæſar's breaſt, and even to have made him tremble. Accordingly the ſtory has often been alledged in proof of the power of antient eloquence; but the fact ſeems to be juſtly queſtionable. For Cicero's total ſilence in regard to it, ſeems to furniſh a very ſtrong preſumptive argument to deſtroy the credit of it; it being altogether improbable, as the ingenious Mr. Melmoth juſtly obſerves, that a man of Cicero's character ſhould have omitted any opportunity of

be proclaimed, to be celebrated by public records and monuments. Marcus Cicero pleads before you, that another perſon had not the ſame diſpoſition towards you, which he confeſſes he himſelf had: nor does he dread your ſecret thoughts, or fear any reflections you may make upon himſelf, while you hear him pleading the cauſe of another.

SECT. III. See how undaunted I am; ſee what rays of light your wiſdom and generoſity dart upon me, whilſt I am pleading before you. I will raiſe my voice as much as I can, that all Rome may hear me. After the war was begun, Cæſar, nay and conſiderably advanced, without any compulſion, from choice and inclination I joined that party, which took arms againſt you. Before whom do I ſay this? even before him, who tho' he knew it, yet e'er he ſaw me, reſtored me ſafe to my country; who ſent letters to me from Egypt, permitting me to continue in the ſame character I had formerly ſuſtained; who, when he was the only perſon throughout the whole empire of Rome, that had the title of emperor, allowed me to ſhare the ſame honour; from whom, this very Caius Panſa bringing me the meſſage, I held the laurell'd Faſces as long as I thought proper; who, in a word, thought he then only gave me life, when he gave it me ſtripped of none of its ornaments. Obſerve, Tubero, I beſeech you, how I that make no ſcruple of confeſſing what was done by myſelf, yet dare not plead guilty to what was done by Ligarius; and I mentioned theſe things of myſelf, that Tubero may forgive me when I ſay the ſame of him. He is one, whoſe application and merit I am fond of, both on account of our near relation, the pleaſure I receive from his genius and ſtudies, and becauſe I think the reputation of a young kinſman redounds in ſome meaſure to my own honour. But I deſire to know one thing, who thinks it a crime in Ligarius, that he was in Africa? the very man who was deſirous of being there himſelf; who complains that he was hindered by Ligarius; and who is well known to have appeared in arms againſt Cæſar. For what, Tubero, did that naked ſword of

NOTES.

of diſplaying a circumſtance ſo exceedingly to the honour of his elocution. Beſides this, it is very obſervable, that Valerius Maximus, who has a chapter expreſsly to ſhew the force of eloquence, and who mentions a particular inſtance of this kind with regard to Cæſar himſelf, takes not the leaſt notice of the fact in queſtion: and it is not to be ſuppoſed that he would have omitted it, had he known it to be true, eſpecially as it afforded him a much ſtronger inſtance for his purpoſe, than any he has thought proper to enumerate. The only antient writer who relates the ſtory is Plutarch, and he introduces it with a λεγεται δε, which ſeems to imply, that he did not copy it from any earlier hiſtorian, but received it only from common tradition. Now ſuch a report, as Mr. Melmoth obſerves, might have ariſen from Cæſar's having been ſeized, during the courſe of this trial, with one of his uſual epileptic fits, which were attended with that change of colour and trembling of the nerves, that Plutarch aſcribes to the force of Cicero's rhetoric. And that this is all that there was of truth in the caſe, is rendered

ille diſtrictus in acie Pharſalica gladius agebat? cujus latus ille mucro petebat? qui ſenſus erat armorum tuorum? quæ tua mens? oculi? manus? ardor animi? quid cupiebas? quid optabas? Nimis urgeo: commoveri videtur adoleſcens; ad me revertar; (7.) iiſdem in armis fui.

IV. Quid autem aliud egimus, Tubero, niſi ut, quod hic poteſt, nos poſſemus? Quorum igitur impunitas, Cæſar, tuæ clementiæ laus eſt, eorum ipſorum ad crudelitatem te acuet oratio? Atque in hac cauſa nonnihil equidem, Tubero, etiam tuam, ſed multo magis patris tui prudentiam deſidero: quod homo cùm ingenio, tum etiam doctrina excellens, genus hoc cauſæ quod eſſet, non viderit; nam ſi vidiſſet, quovis profectò, quam iſto modo à te agi maluiſſet. Arguis fatentem: non eſt ſatis; accuſas eum qui cauſam habet, aut, ut ego dico, meliorem quam tu; aut, ut tu vis, parem. Hæc non modo mirabilia ſunt, ſed prodigii ſimile eſt, quod dicam. Non habet eam vim iſta accuſatio, ut Q. Ligarius condemnetur, ſed ut necetur: hoc egit civis Romanus ante te nemo; externi iſti mores uſque ad ſanguinem incitare ſolent odium aut levium Græcorum, aut immanium barbarorum. Nam quid aliud agis? ut Romæ ne ſit? ut domo careat? ne cum optimis fratribus, ne cum hoc T. Broccho avunculo ſuo, ne cum ejus filio conſobrino ſuo, ne nobiſcum vivat? ne ſit in patria? num eſt? num poteſt magis carere his omnibus, quàm caret? Italia prohibetur, exſulat. Non tu ergo hunc patria privare, qua caret, ſed vita, vis. At iſtud ne apud eum quidem Dictatorem, (8.) qui omnes, quos oderat, morte multabat, quiſquam egit iſto modo: ipſe jubebat occidi, nullo poſtulante: præmiis etiam invitabat; quæ tamen crudelitas ab hoc eodem aliquot annis poſt, quem tu nunc crudelem eſſe vis, vindicata eſt.

V. Ego vero iſtud non poſtulo, inquies: ita mehercule exiſtimo, Tubero; novi enim te, novi patrem tuum, novi domum, nomenque veſtrum: ſtudia denique generis, ac familiæ veſtræ, virtutis, humanitatis, doctrinæ plurimarum artium atque optimarum, nota ſunt mihi omnia: itaque certo ſcio, vos non petere ſanguinem: ſed parum attenditis;

NOTES.

dered probable by the teſtimony of Suetonius, who informs us, that Cæſar was twice ſeized with theſe fits, when he was engaged in judicial affairs.

(7.) *Iiſdem in armis fui.*] Cicero was not preſent at the battle of Pharſalia, but was left behind at Dyrrhachium much out of humour, as well as out of order: his diſcontent to ſee all things going wrong on that ſide, and contrary to his advice, had brought upon him an ill habit of body, and weak ſtate of health, which made him decline all public command.

(8.) *Qui omnes, quos oderat, morte multabat.*] Our orator here pays a fine compliment to Cæſar, who, tho' he was a dictator, always expreſſed the utmoſt abhorrence of Sylla's cruelty. Sylla not only exerciſed the moſt infamous cruelty that had ever been practiſed in cold blood in any city, by the deteſtable method of a proſcription, of which he was the firſt author and inventor; but,

of yours do in the battle of Pharſalia? whoſe breaſt was its point aimed at? what was then the meaning of your arms? your ſpirit? your eyes? your hands? your ardour of ſoul? what did you deſire? what wiſh for? I preſs the youth too much; he ſeems diſturbed. Let me return to myſelf; I too bore arms on the ſame ſide.

SECT. IV. But what elſe, Tubero, did we aim at, but the power of doing what Cæſar now can do? ſhall thoſe very men then, whoſe ſafety, Cæſar, is owing to your clemency, by their diſcourſes ſtir you up to cruelty? and really in this cauſe, Tubero, I think you have been wanting in point of prudence, and much more your father, who, tho' a man of diſtinguiſhed learning and abilities, could not perceive the nature of this proſecution; for if he had, he would have choſe to have had it managed in any other manner than this. You accuſe a man, who pleads guilty; nor is this all: you impeach one, whoſe cauſe is, either as I ſay, better than yours, or, as you yourſelf will have it, as good. What I mention is not only wonderful, but perfectly aſtoniſhing; the tendency of this charge of yours is not that Quintus Ligarius ſhould be found guilty, but that he ſhould be put to death: a thing, which no citizen of Rome before you ever did. Theſe are exotic manners: the volatile Greeks, or ſavage Barbarians uſed to puſh their reſentment even to blood: And what elſe are you now doing? do you deſire that Ligarius ſhould be driven from Rome? that he ſhould be baniſhed from his own houſe, from his excellent brothers, from Titus Brocchus here, his uncle, his ſon, and me? that he ſhould be deprived of his country? can he enjoy leſs of all theſe comforts than he has at preſent? he is forbid Italy, he lives in baniſhment. Your intent then is not to deprive him of his country, but of life. A proſecution like this no man ever carried on, not even before that dictator who condemned all he hated, to die; a dictator, who ordered perſons to be put to death, without any impeachment, and who even invited murders by rewards. A cruelty which was revenged ſome years after by the very man you would now perſuade to be cruel.

SECT. V. But I do not deſire this, you will ſay: indeed, Tubero, I think you do not. For I know you, I know your father, I know your family and deſcent: the manners, in ſhort, of your whole race, their virtue, their humanity, their ſkill in many, even the moſt uſeful arts, are all well known to me. Therefore I am certain you do not aim at blood: but you do not conſider. For it appears,

NOTES.

but, as Plutarch informs us, ſet a reward of two talents upon the head of every man who was proſcribed. Cæſar had this ſo much in abhorrence that he proſecuted every man as a murderer, who had touched any part of the public money for killing any perſon that was proſcribed.

tenditis; res enim eo ſpectat, ut ea pœna in qua adhuc Q. Ligarius ſit, non videamini eſſe contenti: quæ eſt igitur alia, præter mortem? ſi enim in exſilio eſt, ſicuti eſt, quid amplius poſtulatis? an, ne ignoſcatur? hoc vero multo acerbius, multoque eſt gravius; quod nos domi petimus precibus & lacrymis, proſtrati ad pedes, non tam noſtræ cauſæ fidentes, quam hujus humanitati, id ne impetremus pugnabis? & in noſtrum fletum irrumpes? & nos jacentes ad pedes ſupplicum voce prohibebis? Si, cum hoc domi faceremus, quod & fecimus, & ut ſpero, non fruſtra fecimus, tu derepente irrupiſſes, & clamare cœpiſſes, C. CÆSAR, cave credas, ignoſcas, cave te fratrum pro fratris ſalute obſecrantium miſereat; nonne omnem humanitatem exuiſſes? quanto hoc durius, quod nos domi petimus, id à te in foro oppugnari? & in tali miſeria multorum, perfugium miſericordiæ tollere? Dicam plane, C. Cæſar, quod ſentio: ſi in hac tanta tua fortuna lenitas tanta non eſſet, quantum tu per te, per te inquam, obtines (intelligo quid loquar) acerbiſſimo luctu redundaret iſta victoria; quam multi enim eſſent de victoribus qui te crudelem eſſe vellent, cum etiam de victis reperiantur? quam multi, qui, cum à te nemini ignoſci vellent, impedirent clementiam tuam, cum etiam ii, quibus ipſe ignoviſti, nolint te in alios eſſe miſericordem? Quod ſi probare Cæſari poſſemus, in Africa Ligarium omnino non fuiſſe: ſi honeſto & miſericordi mendacio ſaluti civis calamitoſi conſultum eſſe vellemus: tamen hominis non eſſet, in tanto diſcrimine & periculo civis, refellere & coarguere noſtrum mendacium: & ſi eſſet alicujus, ejus certe non eſſet, qui in eadem cauſa & fortuna fuiſſet. Sed tamen aliud eſt errare Cæſarem nolle, aliud nolle miſereri: tum diceres, Cave, Cæſar, credas; fuit in Africa Ligarius; tuilt arma contra te: nunc quid dicis? Cave ignoſcas. Hæc nec hominis, nec ad hominem vox eſt: qua qui apud te, C. Cæſar, utetur, ſuam citius abjiciet humanitatem, quam extorquebit tuam.

VI. Ac primus aditus, & poſtulatio Tuberonis hæc, ut opinor, fuit, velle ſe de Q. Ligarii ſcelere dicere: non dubito, quin admiratus ſis, vel quod de nullo alio quiſquam, vel quod is qui in eadem cauſa fuiſſet, vel quidnam novi facinoris adferret. Scelus tu illud vocas, Tubero? cur? iſto enim nomine illa adhuc cauſa caruit: alii errorem

appears, that you are diſſatisfied with the puniſhment which Quintus Ligarius now ſuffers. What other is there then but death? for if he is in baniſhment, as he actually is, what more can you require? that he may not be pardoned? this is ſtill more cruel, ſtill more grievous. Will you endeavour to prevent our obtaining what we ſue for by prayers and tears, by proſtrating ourſelves at Cæſar's feet, relying not ſo much on our own cauſe, as on his clemency? will you break in upon our tears? will you ſtrive to fruſtrate thoſe prayers, which, proſtrate before him, we pour out with the voice of ſuppliants? if, while we were doing this at Cæſar's houſe, which we have often done, and, I hope, not ineffectually, you had ſuddenly broke in upon us, and cried out, beware, Cæſar, how you pardon; beware how you are moved with compaſſion towards theſe brothers, imploring a brother's life at your hands; would you not have diveſted yourſelf of all humanity? how much more cruel then is it, for you now to oppoſe that in the forum, which we implored at his houſe? and in ſuch a general calamity, to take away all refuge for mercy? I will deliver my ſentiments, Cæſar, without diſguiſe: if your own clemency were not as great as your fortune, your own, I ſay, for I know what I ſpeak, your victory would occaſion the deepeſt ſorrow. For how many of the victorious party would perſuade you to cruelty, when even the conquered do? how many of thoſe who are againſt your pardoning any, would prevent your clemency, when thoſe who have been pardoned themſelves are unwilling you ſhould be merciful to others? but if we could make it appear to Cæſar, that Ligarius actually was not in Africa; if we were even deſirous of conſulting the ſafety of an unfortunate citizen by a laudable and good-natured falſhood; it would be inhuman, when the life of a Roman is in ſuch imminent danger, to convict us of falſhood: and if any man was to act ſuch a part, it ought not ſurely to be that man, who was once involved in the ſame cauſe and fortune. But it is one thing to wiſh Cæſar not to err; another, to wiſh him not to be merciful. Then you would ſay, beware, Cæſar, how you believe: Ligarius was in Africa; he bore arms againſt you. But now what is it you ſay? beware how you pardon him. Is this the language of one man to another? whoever, Cæſar, ſhall addreſs you in this manner, will ſooner lay aſide his own humanity, than force you out of yours.

SECT. VI. But the opening and preliminary of Tubero's pleading, I think, was this, that he intended to ſpeak to the guilt of Quintus Ligarius. I queſtion not, but you was at a loſs to know, either why no body elſe had ever been charged with that crime, or that a man ſhould carry on ſuch a proſecution, who had been engaged in the ſame cauſe, or what new charge he would urge. Do you, Tubero,

errorem appellant, alii timorem: qui durius, ſpem, cupiditatem, odium, pertinaciam: qui graviſſime, temeritatem: ſcelus, præter te, adhuc nemo. Ac mihi quidem, ſi proprium & verum nomen noſtri mali quæratur, fatalis quædam calamitas incidiſſe videtur, & improvidas hominum mentes occupaviſſe: ut nemo mirari debeat, humana conſilia divinâ neceſſitate eſſe ſuperata. Liceat eſſe miſeros, quanquam hoc victore eſſe non poſſumus: ſed non loquor de nobis: de illis loquor, qui occiderunt; fuerint cupidi, fuerint irati, fuerint pertinaces: ſceleris vero crimine, furoris, parricidii liceat Cn. Pompeio mortuo, liceat multis aliis carere. Quando hoc quiſquam ex te, Cæſar, audivit? aut tua quid aliud arma voluerunt, (9.) niſi à te contumeliam propulſare? quid egit tuus ille invictus exercitus, niſi ut ſuum jus tueretur, & dignitatem tuam? quid? (10.) tu cum pacem eſſe cupiebas, id-ne agebas, ut tibi cum ſceleratis, an ut cum bonis civibus conveniret? Mihi vero, Cæſar, tua in me maxime merita tanta certe non viderentur, ſi me ut ſceleratum à te conſervatum putarem. Quomodo autem tu de republica bene meritus eſſes, ſi tot ſceleratos incolumi dignitate eſſe voluiſſes? Seceſſionem tu illam exiſtimaviſti, Cæſar, initio, non bellum: non hoſtile odium, ſed civile diſſidium, utriſque cupientibus rempub. ſalvam, ſed partim conſiliis, partim ſtudiis à communi utilitate aberrantibus. Principum dignitas erat pene par; (11.) non par fortaſſe eorum, qui ſequebantur: cauſa tum dubia, quod erat aliquid in utraque parte, quod probari poſſet: nunc melior certe ea judicanda eſt, quam etiam dii adjuverunt; cognita vero clementia tua, quis non eam victoriam probet, in qua occiderit nemo, niſi armatus?

VII. Sed ut omittam communem cauſam, veniamus ad noſtram. Utrum tandem exiſtimas facilius fuiſſe, Tubero, Ligarium ex Africa exire, an vos in Africam non venire? Poteramus-ne, inquies, cum Senatus cenſuiſſet? ſi me conſulis, nullo modo; ſed tamen Ligarium Senatus idem legaverat. Atque ille eo tempore paruit, cum parere Senatui neceſſe erat: vos tunc paruiſtis, cum paruit nemo qui noluit.

NOTES.

(9.) *Niſi a te contumeliam propulſare.*] Cæſar alledges, in the firſt book of his Commentaries, that he had been ignominiouſly treated in three different reſpects: Firſt, when he had the adminiſtration of Gaul entruſted to him for the ſpace of ten years; a ſucceſſor was appointed to him before that time was expired. Secondly, when he left Gaul, and apply'd for the conſulate, it was denied to him. Thirdly, when the honour of a triumph, in conſequence of a victory he had gained, was refuſed him, the ſenate deſired he ſhould give an account of his management.

(10.) *Tu cum pacem eſſe cupiebas.*] Cæſar all along affected to be deſirous of an accommodation, and endeavoured particularly to perſuade Cicero, that he had no other view than to ſecure himſelf from the inſults of his enemies, and yield the firſt rank in the ſtate to Pompey; but it ſeems very evident that all this was mere pretence, and that he had no real thoughts of an accommodation.

(11.) *Non par fortaſſe eorum qui ſequebantur.*] Cicero here gives the preference, in point of dignity, to the Pompeian party; and indeed with juſtice: for almoſt all the chief

bero, call it a crime? why? for that cauſe has hitherto been free from ſuch an imputation. Some call it an error, ſome fear; thoſe who want to be ſomewhat ſevere, give it the name of hope, ambition, hatred, obſtinacy; thoſe who are moſt ſevere, call it raſhneſs; you are the only one who has ever call'd it a crime. But, if we would aſſign a juſt and proper name to our misfortune, a certain fatal calamity appears to me to have ſeized and taken poſſeſſion of the improvident minds of men: inſomuch that no one ought to be ſurpriſed that human counſels have been baffled by divine neceſſity. Let us be permitted to be wretched, tho' under ſuch a conqueror it is impoſſible we ſhould be ſo; but I ſpeak not of ourſelves, I ſpeak of thoſe that are fallen. Let it be ſaid, they were ambitious, they were actuated by hatred, they were obſtinate; but let Cneius Pompey, and the many others who are now no more, be free from the imputation of guilt, of madneſs, of parricide. When did any man, Cæſar, hear this charge come out of your mouth? or what elſe was the intent of your arms, but to guard yourſelf from ignominy? what elſe did that invincible army of yours do, but defend its own rights, and your dignity? what! when you was deſirous there ſhould be peace, was it that you might accommodate matters with wicked or with virtuous citizens? For my own part, Cæſar, the favours I have received at your hands would not appear ſo conſiderable to me, if I thought you had pardoned me as you would a villain. For how could you have deſerved ſo well of the public, if you had ſuffered ſo many villains to retain their dignity? At firſt, Cæſar, you thought it only a ſeceſſion, not a war: no hoſtile rancor, but a civil diſſention between two parties, who both wiſhed well to their country, tho' from different paſſions and views they were ſeduced into meaſures inconſiſtent with its welfare. The leaders were almoſt equal in dignity, tho' thoſe who followed them were perhaps not ſo: the cauſe was then doubtful, becauſe there was ſomething to be approved of on both ſides; but now we muſt certainly reckon that the beſt, to which even the gods have lent their aid. And after ſuch proofs of your clemency, where is the man but muſt approve of a victory, by which none fell but ſuch as were in arms?

SECT. VII. But omitting the common cauſe, let us proceed to that we have in hand. Which then, Tubero, do you think was eaſieſt, for Ligarius to leave Africa, or for you not to go thither? could we help it, you'll ſay, when the ſenate decreed it? if you aſk my opinion, by no means; but the ſame ſenate had ordered Ligarius thither, and he obeyed at a time, when there was a neceſſity of obeying the ſenate; you, at a time when any perſon might have diſ-

NOTES.

chief magiſtrates and ſenators of Rome were on Pompey's ſide, whereas ſcarce a ſingle perſon of conſular dignity was on that Cæſar.

luit. Reprehendo igitur? minime vero; neque enim licuit aliter veſtro generi, nomini, familiæ, diſciplinæ: ſed hoc non concedo, ut, quibus rebus gloriemini in vobis, eaſdem in aliis reprehendatis. Tuberonis ſors conjecta eſt ex S. C. cum ipſe non adeſſet, morbo etiam impediretur: ſtatuerat [ſe] excuſare. Hæc ego novi propter communes neceſſitudines, quæ mihi ſunt cum L. Tuberone: domi una eruditi, (12.) militiæ contubernales, poſt affines, in omni denique vita familiares: magnum etiam vinculum, quòd iiſdem ſemper ſtudiis uſi ſumus. Scio igitur Tuberonem domi manere voluiſſe, ſed ita quidam agebant, ita reipublicæ ſanctiſſimum nomen opponebant, ut etiam ſi aliter ſentiret verborum tamen ipſorum pondus ſuſtinere non poſſet; ceſſit auctoritati ampliſſimi viri, vel potius paruit: unà eſt profectus cum iis, quorum erat una cauſa: tardius iter fecit: itaque in Africam venit jam occupatam. Hinc in Ligarium crimen oritur, vel ira potius: nam ſi crimen eſt prohibere illum voluiſſe, non minus magnum eſt, vos Africam, omnium provinciarum arcem, natam ad bellum contra hanc urbem gerendum, obtinere voluiſſe, quàm aliquem ſe imperatorem eſſe maluiſſe. Atque is tamen aliquis Ligarius non fuit. Varus imperium ſe habere dicebat: faſces certe habebat. Sed quoquo modo ſe illud habeat; hæc querela veſtra, Tubero, quid valet? recepti in provinciam non ſumus: quid, ſi eſſetis? Cæſarine eam tradituri fuiſſetis, an contra Cæſarem retenturi?

VIII. Vide quid licentiæ, Cæſar, nobis tua liberalitas det, vel potius audaciæ. Si reſponderit Tubero, Africam, quo Senatus eum ſorſque miſerat, tibi patrem ſuum traditurum fuiſſe: non dubitabo apud ipſum te, cujus id eum facere interfuit, graviſſimis verbis ejus conſilium reprehendere; non enim ſi tibi ea res grata fuiſſet, eſſet etiam probata. Sed jam hoc totum omitto, non tam ut ne offendam tuas patientiſſimas aures, quam ne Tubero, quod nunquam cogitavit, facturus fuiſſe videatur. Veniebatis igitur in Africam provinciam, unam ex omnibus huic victoriæ maxime infeſtam: in qua erat rex potentiſſimus, inimicus huic cauſæ, aliena voluntas, conventus firmi atque magni: quæro, quid facturi fuiſſetis? quanquam quid facturi fueritis non dubitem, cum videam quid feceritis. Prohibiti

NOTES.

(12.) *Militiæ contubernales.*] Vegetius tells us, that the centuries were divided in ſuch a manner, that ten ſoldiers quartered under one pavilion, or tent, and had one ſet over them, who was called the *caput contubernii*. This circumſtance gave riſe to very intimate acquaintances among the ſoldiers. Cicero and Tubero had been *contubernales*, or tent-fellows in the Marſic war, which is likewiſe called the Italic, and the Social war. In that war Cicero ſerved under Cn. Pompeius Strabo, the father of Pompey the Great.

diſobeyed, if he pleaſed. Do I then blame you? not in the leaſt. Your birth, name, family and education, would not permit you to act otherwiſe: but I cannot allow that you ſhould condemn in others, what you glory in yourſelves. Tubero's commiſſion was allotted him by decree of the ſenate, when he himſelf was not preſent, nay, when he was confined by ſickneſs: he had reſolved to excuſe himſelf. Theſe things I became acquainted with by means of the connections I have with L. Tubero. We were educated at home together; ſerved abroad together; were afterwards allied by marriage; and, in a word, have been intimate all our lives. What united us very cloſely too, was our having always purſued the ſame ſtudies. To my knowledge then, Tubero wanted to ſtay at home; but matters were ſo carried on by certain perſons; ſo often did they oppoſe the ſacred name of the public to his reſolutions, that tho' he thought otherwiſe, he was not able to ſupport the very weight of words. He yielded to, or rather obeyed the authority of a very great man; went along with thoſe, who were engaged in the ſame cauſe; proceeded ſlowly in his journey, and accordingly came into Africa, when it was already taken poſſeſſion of. Hence proceeds the charge, or rather reſentment againſt Ligarius. For if it is a crime to have been inclined to prevent you, it is no leſs criminal in you to have been deſirous of ſeizing Africa, the ſtrength of all our provinces, and a country deſtined to make war on this city, than for any other to have been deſirous of being maſter of it: and yet this other was not Quintus Ligarius. Varus ſaid that he was in poſſeſſion of the government; the Faſces he certainly had: but however that be, what can this complaint of yours, Tubero, avail? we were not admitted into the province. What if you had? would you have delivered it up to Cæſar, or have held it againſt him?

SECT. VIII. Obſerve what freedom, Cæſar, or rather what preſumption your goodneſs inſpires us with. If Tubero ſhould reply, that his father would have delivered up to you the province of Africa, whither the ſenate and his own fortune had ſent him, I ſhall not ſcruple, even before you, whoſe intereſt it was that he ſhould do this, to condemn his conduct in the ſevereſt terms; for tho' ſuch a proceeding might have been acceptable to you, yet you could not have approved of it. But I paſs by all this, not ſo much leſt I ſhould offend your unequalled patience, as leſt Tubero ſhould ſeem to have attempted what he never thought of. You came then into Africa, that province which of all others was moſt exaſperated at Cæſar's ſucceſs; in which there was a very powerful prince, an enemy to this cauſe; the people diſaffected; and ſtrong and mighty alliances formed: I aſk, what you intended to have done? tho' I have no doubt of what you would have done, when I ſaw what you afterwards

Prohibiti eſtis in provincia veſtra pedem ponere; & prohibiti, ut perhibetis, ſumma cum injuria: quomodo id tuliſtis? acceptæ injuriæ querelam ad quem detuliſtis? nempe ad eum, cujus auctoritatem ſecuti in ſocietatem belli veneratis. Quod ſi Cæſaris cauſa in provinciam veniebatis, ad eum profecto excluſi provincia veniſſetis: veniſtis ad Pompeium; quæ eſt hæc ergo apud Cæſarem querela, cum eum accuſatis, à quo queramini vos prohibitos contra Cæſarem bellum gerere? Atque in hoc quidem vel cum mendacio, ſi vultis, gloriari per me licet, vos provinciam fuiſſe Cæſari tradituros, etiamſi à Varo & quibuſdam aliis prohibiti eſſetis; ego autem confitebor, culpam eſſe Ligarii, qui vos tantæ laudis occaſione privaverit.

IX. Sed vide, quæſo, C. Cæſar, conſtantiam ornatiſſimi viri L. Tuberonis: quam ego, quamvis ipſe probarem, ut probo, tamen non commemorarem, niſi à te cognoviſſem inprimis eam virtutem ſolere laudari. Quæ fuit igitur unquam in ullo homine tanta conſtantia? conſtantiam dico? neſcio an melius patientiam poſſem dicere: quotus enim iſtud quiſque feciſſet, ut, à quibus partibus in diſſenſione civili non eſſet receptus, eſſetque etiam cum crudelitate ejectus, ad eas ipſas rediret? magni cujuſdam animi, atque ejus viri eſt, quem de ſuſcepta cauſa propoſitaque ſententia nulla contumelia, nulla vis, nullum periculum poſſet depellere. Ut enim cætera paria Tuberoni cum Varo fuiſſent, honos, nobilitas, ſplendor, ingenium, quæ nequaquam fuerunt; hoc certe præcipuum Tuberonis fuit, quod juſto cum imperio ex S. C. in provinciam ſuam venerat; hinc prohibitus, non ad Cæſarem, ne iratus; non domum, ne iners; non aliquam in regionem, ne condemnare cauſam illam, quam ſecutus eſſet, videretur: in Macedoniam ad Cn. Pompeii caſtra venit, in eam ipſam cauſam à qua erat rejectus cum injuria. Quid? cum iſta res nihil commoviſſet ejus animum, ad quem veneratis, languidiore, credo, ſtudio in cauſa fuiſtis? tantummodo in præſidiis eratis; animi vero à cauſa abhorrebant? an, ut fit in bellis civilibus, nec in vobis magis, quam in reliquis, omnes vincendi ſtudio tenebamur? pacis equidem ſemper auctor fui; ſed tum ſero: erat enim amentis, cum aciem videres, pacem cogitare. Omnes inquam, vincere volebamus; tu certe præcipue, qui in eum locum veniſſes, ubi tibi eſſet pereundum, niſi viciſſes: quanquam, ut nunc ſe res habet, non dubito quin hanc ſalutem anteponas illi victoriæ.

X.

wards did. You were prevented from ſetting your foot in that province, and prevented, as you alledge, by the greateſt injuſtice. How did you bear with this? to whom did you make your complaints for the injuries you received? why to the very man, whoſe authority you acknowledged, and whoſe party you joined in the war? But if you had come upon Cæſar's account to this province, to him certainly you would have gone, when debarred it; but you went to Pompey. With what face then can you complain to Cæſar, when you accuſe the man, by whom you complain that you was prevented from making war againſt Cæſar? And this, indeed, tho' falſe, I will give you leave to boaſt of, if you pleaſe, that you intended to have delivered up the province to Cæſar, but were prevented by Varus and ſome others. Yet I will confeſs, that the whole blame is to be laid upon Ligarius, who deprived you of an opportunity of ſo much glory.

SECT. IX. But obſerve, Cæſar, I beſeech you, the conſtancy of the moſt accompliſhed L. Tubero; a virtue, which tho' I approved of, as I really do, yet I ſhould not have mentioned, were it not that I know you uſed to extol it above all other virtues. Was ever then ſuch great conſtancy known in any man? conſtancy, do I ſay? I know not, whether I ought not rather to call it perſeverance. For in a civil diſſenſion, would any man, who is not only not admitted into a party, but even rejected with cruelty, apply again to the ſame party? This ſhews a certain greatneſs of ſoul, and is worthy of that man, whom no indignities, no power, no danger can drive from the cauſe he engages in, and the principles he embraces. Suppoſing what was far from being the caſe, that Tubero was but on an equal footing with Varus, as to dignity, quality, figure and genius; in this certainly Tubero had the advantage, that he came into his own province, inveſted with a legal command from the ſenate. When he was driven thence, he did not betake himſelf to Cæſar, leſt he ſhould ſeem to be actuated by reſentment; not home, leſt he ſhould ſeem unactive; not to a foreign country, leſt he ſhould ſeem to condemn that cauſe which he had eſpouſed; but to Pompey's camp in Macedonia, and to that party by which he had been injuriouſly rejected. But now, when this made no impreſſion on Pompey's mind, you were much leſs zealous in the cauſe. You were only employed in the garriſons, but had an utter averſion to the party. Or, as is generally the caſe in civil wars, nor more with you than others, were we all poſſeſſed with a deſire of conquering? I indeed was always a promoter of peace, but it was then too late; for it muſt have been madneſs to entertain thoughts of peace, when the battle was already ſet in array. We were all, I ſay, deſirous of conquering; you eſpecially, who came to that camp, where you muſt either die or conquer; though, as the caſe now ſtands, I doubt not but you prefer being ſafe here, to being victorious there. SECT.

X. Hæc ego non dicerem, Tubero, ſi aut vos conſtantiæ veſtræ, aut Cæſarem beneficii ſui pœniteret. Nunc quæro, utrum veſtras injurias, an reipublicæ perſequamini: ſi reipublicæ; quid de veſtra in ea cauſa perſeverantia reſpondebitis? ſi veſtras; videte ne erretis, qui Cæſarem veſtris inimicis iratum fore putetis, cum ignoverit ſuis. Itaque num tibi videor, Cæſar, in cauſa Ligarii occupatus eſſe? num de ejus facto dicere? quicquid dixi, ad unam ſummam referri volo, vel humanitatis, vel clementiæ, vel miſericordiæ tuæ. Cauſas, Cæſar, egi multas (13.) & quidem tecum, (14.) dum te in foro tenuit ratio honorum tuorum: certe nunquam hoc modo: *Ignoſcite, Judices: erravit: lapſus eſt: non putavit: ſi unquam poſthac:* ad parentem ſic agi ſolet; ad judices, *Non fecit, non cogitavit, falſi teſtes, fictum crimen.* Dic te, Cæſar, de facto Ligarii judicem eſſe: quibus in præſidiis fuerit, quære; taceo: ne hæc quidem colligo, quæ fortaſſe valerent etiam apud judicem: legatus ante bellum profectus, relictus in pace, bello oppreſſus, in eo non acerbus: tum etiam fuit totus animo & ſtudio tuus. Ad judicem ſic agi ſolet; ſed ego ad parentem loquor, Erravi, temere feci, pœnitet: ad clementiam tuam confugio: delicti veniam peto: ut ignoſcas oro; ſi nemo impetravit, arroganter; ſi plurimi, tu idem fer opem, qui ſpem dediſti. An ſperandi Ligario cauſa non ſit, cum mihi apud te ſit locus etiam pro altero deprecandi? Quanquam neque in hac oratione ſpes eſt poſita cauſæ, nec in eorum ſtudiis, qui à te pro Ligario petunt, tui neceſſarii.

XI. Vidi enim & cognovi, quid maxime ſpectares, cum pro alicujus ſalute multi laborarent: cauſas apud te rogantium gratioſiores eſſe, quam preces: neque te ſpectare, quam tuus eſſet neceſſarius is qui te oraret; ſed quam illius, pro quo laboraret. (15.) Itaque tribuis

NOTES.

(13.) *Et quidem tecum.*] Cæſar is ranked by Cicero among the greateſt orators that Rome ever bred. He is ſaid to have publiſhed ſeveral orations, which were greatly admired for two qualities, ſeldom found together, ſtrength and elegance. Quintilian ſays of him, that he ſpoke with the ſame force with which he fought; and that if he had devoted himſelf to the bar, he would have been the only man capable of rivalling Cicero.

(14.) *Dum te in foro tenuit ratio honorum tuorum.*] The forum or great ſquare of the city, was the place where the aſſemblies of the people were held, and where all the public pleadings and judicial proceedings were uſually tranſacted. As this, therefore, was the grand ſchool of buſineſs and eloquence, the ſcene on which all the affairs of the empire were determined; it was here that thoſe who aſpired after public dignities laid the foundation of their fortunes. They applied themſelves to pleading of cauſes, and to the defence of the innocent in diſtreſs, as the ſureſt way to popularity; and, in conſequence of that, to power and influence in the ſtate. Cæſar is ſaid to have practiſed in this manner from the twenty-firſt to the thirty-ninth year of his age.

(15.) *Itaque tribuis tu quidem tuis ita multa.*] This paſſage is not a little perplexed, and, if the common reading muſt needs be retained, it will be difficult to find any juſt connexion between this and the preceding ſentence. If we read *ceſſi* inſtead of *itaque*, it will, we apprehend, remove the obſcurity; and

SECT. X. Theſe things I ſhould not have mentioned, Tubero, if either you repented of your conſtancy, or Cæſar of his goodneſs. I now aſk, whether you carry on this proſecution for your own, or your country's wrongs? If your country's, how can you account for your ſteady adherence to that party? If your own, take care that you do not miſtake in thinking that Cæſar will retain a reſentment againſt your enemies, after he has pardoned his own. Do you think then, Cæſar, that I mean here to plead the cauſe of Ligarius only, and to ſpeak of his conduct? Whatever I have ſaid, I deſire may be underſtood as relating to the ſingle point, either of your humanity, your clemency, or your compaſſion. I have pleaded many cauſes, Cæſar, even with you, while your progreſs in honours led you to the forum, but never ſurely in this manner: *Pardon him, my Lords, he has fallen into an error; he has made a ſlip; he did not think: if he ever offends any more.* Thus indeed we are wont to plead before a father; but before the judges, *he did not do it, he had no ſuch intention; the evidence is falſe; the charge is groundleſs.* Pronounce yourſelf the judge, Cæſar, of what is charged upon Ligarius; enquire in what garriſons he was. I ſay nothing; nor ſhall I urge what might perhaps amount to a full proof before a judge: he went abroad as a lieutenant before the war; he was left in the province in a time of peace; he was overpowered in time of war, but proved no violent enemy; for his heart was wholly your's. This is the manner of pleading before a judge; but I am now ſpeaking before a father: I have done amiſs; I have acted raſhly; I am ſorry for it; I fly to your clemency; I beg pardon for my offence; I beſeech you to forgive me. If no one has ever obtained forgiveneſs at your hands, then am I guilty of arrogance; but if many have, do you who have inſpired us with hope, likewiſe grant us relief. Shall Ligarius have no room for hope, while even I am permitted to intercede for another? Tho' my hopes of ſucceeding in this cauſe are neither placed in this ſpeech, nor in the ſolicitations of your friends in favour of Ligarius.

SECT. XI. For I have ſeen and know what you chiefly regard, when many ſolicit warmly in favour of one, that the cauſe of your ſuppliants has more weight with you than their entreaties; and that you do not conſider how much the perſon who applies is your friend, but how much he is the friend of him for whom he applies. Tho'

NOTES.

and tho' we know of no authority for making this alteration in the text, we have adopted it in the tranſlation, leaving the reader at liberty to take the paſſage in this ſenſe, or any other that may ſeem more ſatisfactory, as we cannot be certain of having hit upon our orator's meaning.

tribuis tu quidem tuis ita multa, ut mihi beatiores illi esse videantur interdum, qui tua liberalitate fruuntur, quam tu ipse, qui illis tam multa concedis. Sed video tamen apud te causas, ut dixi, rogantium valere plus, quam preces; ab iisque te moveri maxime, quorum justissimum dolorem videas in petendo. In Q. Ligario conservando multis tu quidem gratum facies necessariis tuis: sed hoc, quæso, considera, quod soles. Possum fortissimos viros, Sabinos, tibi probatissimos, totumque agrum Sabinum, florem Italiæ, robur reipublicæ proponere; nosti optime homines; animadverte horum omnium mœstitiam & dolorem; hujus T. Brocchi, de quo non dubito quid existimes, lacrymas squaloremque ipsius, & filii vides. Quid de fratribus dicam? noli, Cæsar, putare, de unius capite nos agere: aut tres tibi Ligarii in civitate retinendi sunt, aut tres ex civitate exterminandi: quodvis exsilium his est optatius, quam patria, quam domus, quam Dii Penates, uno illo exsulante. Si fraterne, si pie, si cum dolore faciunt, moveant te horum lacrymæ, moveat pietas, moveat germanitas: valeat tua vox illa, quæ vicit; te enim dicere audiebamus, nos omnes adversarios putare, nisi qui nobiscum essent; te omnes, qui contra te non essent, tuos. Videsne igitur hunc splendorem, omnem hanc Brocchorum domum, hunc L. Marcium, C. Cæsetium, L. Corfidium, hosce omnes equites Rom. qui adsunt veste mutata, non solum notos tibi, verum etiam probatos viros, (16.) tecum fuisse? Atque his [maxime] irascebamur, & hos requirebamus, & his nonnulli etiam minabantur. Conserva igitur tuis suos: ut, quemadmodum cætera quæ dicta sunt à te, sic hoc verissimum reperiatur.

XII. Quod si penitus perspicere posses concordiam Ligariorum, omnes fratres tecum judicares fuisse. An potest quisquam dubitare, quin, si Q. Ligarius in Italia esse potuisset, in eadem sententia futurus fuisset, in qua fratres fuerunt? quis est, qui horum consensum conspirantem, & pene conflatum, in hac prope æqualitate fraterna non noverit? qui hoc non sentiat, quidvis prius futurum fuisse, quam ut hi fratres diversas sententias fortunasque sequerentur? Voluntate igitur omnes tecum fuerunt: tempestate abreptus est unus; qui consilio id feciisset, esset eorum similis, quos tu tamen salvos esse voluisti. Sed ierit ad bellum: dissenserit non à te solum, verum etiam à fratribus: hi te orant tui. Equidem cum tuis omnibus ne gotii

NOTES.

(16.) *Tecum fuisse?*] From what goes before, and from what follows, it appears very evident, that Cicero does not speak here of those who followed Cæsar to the war, but of those who chose to stay at home, and not to join either party: Cæsar reckoned the latter his friends as well as the former, as we are told in the preceding sentence.

Tho' ſuch is your liberality to your friends, that thoſe who ſhare it ſeem ſometimes more happy to me than you who diſpenſe it. But yet, I perceive, as I ſaid before, that the cauſe of your ſuppliants has more weight with you than their intreaties; and that you are influenced moſt by thoſe whoſe grief you obſerve to be beſt grounded. In preſerving Q. Ligarius, you will indeed do an agreeable thing to many of your friends; but attend, I beſeech you, as you uſually do, to one thing. I can produce to your view the Sabines, men of the greateſt bravery, approved by you, together with the whole country, the flower of Italy, and bulwark of the ſtate. You know the men well; obſerve their grief and ſorrow; your opinion of T. Brocchus here, I am no ſtranger to; obſerve his tears and concern, obſerve the tears of his ſon. What ſhall I ſay of his brothers? do not imagine, Cæſar, that we are now interceding for one man's life; three Ligarius's are to be fixed by you in Rome, or rooted out of it for ever. Any exile is more eligible to them, than their country, than their home, than their houſhold gods, while this one brother is in baniſhment. If their behaviour is brotherly, if it is pious, if it is affectionate; let their tears, let their piety, let their fraternal regards move you. Let your word prevail, as it has hitherto done; for we heard you ſay, that we looked upon all as enemies that were not with us; but that you looked upon all as friends, that were not againſt you. Muſt you not acknowledge then that all this ſplendid appearance, all this family of the Brocchi, L. Marcius here, C. Cæſetius, all theſe Roman knights, who are preſent in mourning apparel, whom you not only know, but know to be worthy men, were all of your party? Theſe are the men we were moſt offended at; we demanded them, nay ſome of us even threatened them. Preſerve their friends, therefore, that your veracity may appear in this as in every thing elſe you have ſaid.

SECT. XII. But if you could thoroughly perceive the harmony there is among the Ligarii, you would be of opinion they were all of your ſide. If Q. Ligarius could have been in Italy, can there be any doubt, whether he would have been in the ſame way of thinking with his brothers? who does not know the harmony, and almoſt ſameneſs of ſentiment of this brotherhood? who is not ſenſible that any thing may ſooner happen, than that theſe brothers ſhould be divided in their ſentiments or fortunes? all then were with you in inclination; one was borne away by a tempeſt; and though he had been ſeparated from you by deſign, he would ſtill be on the ſame footing with thoſe, whom yet you have thought proper to ſpare. But, allowing that he took up arms, that he ſeparated himſelf not only from you, but likewiſe from his brethren; yet theſe who intercede for him are your friends. Indeed as I have taken a concern

gotiis intereſſem, memoria teneo, qualis tum T. Ligarius Quæſtor urbanus fuerit erga te & dignitatem tuam: ſed parum eſt me hoc meminiſſe; ſpero etiam te, qui obliviſci nihil ſoles, niſi injurias, quoniam hoc eſt animi, quoniam etiam ingenii tui, te aliquid de hujus Quæſtoris officio cogitantem, etiam de aliis quibuſdam Quæſtoribus reminiſcentem recordari. Hic igitur T. Ligarius, qui tum nihil egit aliud (neque enim hæc divinabat) niſi ut tu eum tui ſtudioſum, & bonum virum judicares, nunc à te ſupplex fratris ſalutem petit: quam hujus admonitus officio cùm utriſque his dederis, tres fratres optimos & integerrimos, non ſolum ſibi ipſos, neque his tot ac talibus viris, neque nobis neceſſariis ſuis, ſed etiam reipublicæ condonaveris. Fac igitur, quod de homine nobiliſſimo & clariſſimo M. Marcello reſtituto feciſti nuper in curia, nunc idem in foro de optimis, & huic omni frequentiæ probatiſſimis fratribus; ut conceſſiſti illum Senatui, (17.) ſic da hunc populo, cujus voluntatem cariſſimam ſemper habuiſti, & ſi ille dies tibi glorioſiſſimus, populo Romano gratiſſimus fuit; noli, obſecro, dubitare, C. Cæſar, ſimilem illi gloriæ laudem quàm ſæpiſſime quærere; nihil eſt enim tam populare quam bonitas: nulla de virtutibus tuis plurimis nec gratior, nec admirabilior miſericordia eſt; homines enim ad deos nulla re propius accedunt, quàm ſalutem hominibus dando: nihil habet nec fortuna tua majus, quam ut poſſis; nec natura tua melius, quam ut velis conſervare quamplurimos. Longiorem orationem cauſa forſitan poſtulat, tua certe natura breviorem. Quare, cum utilius eſſe arbitrer te ipſum, quam me, aut quenquam loqui tecum, finem jam faciam: tantum te ipſum admonebo, ſi illi abſenti ſalutem dederis, præſentibus his omnibus te daturum.

NOTES.

(17.) *Sic da hunc populo.*] It may not be improper to acquaint the Reader that Ligarius was a man of diſtinguiſhed zeal for the liberty of his country, and that after his return he lived in great confidence with Brutus, who found him a fit perſon to bear a part in the conſpiracy againſt Cæſar. Near the time of its execution, however, he happened to be taken ill; and when Brutus, in a viſit to him, began to lament, that he was fallen ſick in a very unlucky hour; Ligarius, Plutarch tells us, raiſing himſelf preſently upon his elbow, and taking Brutus by the hand, replied, *yet ſtill, Brutus, if you mean to do any thing worthy of yourſelf, I am well.* Nor did he diſappoint Brutus's opinion of him, for we find him afterwards in the liſt of the conſpirators.

ORA-

in all your affairs, I well remember how much T. Ligarius, when city quæſtor, was devoted to you and your dignity. But it is to little purpoſe for me to call this to mind; I hope that you, whoſe nature and diſpoſition it is to forget nothing but injuries, will upon recollection, remember ſomewhat of his conduct as a quæſtor, eſpecially when you call to mind that of ſome other quæſtors. The ſame T. Ligarius, then, who at that time meant nothing elſe than to make you believe he was devoted to your ſervice, and a worthy man, (for this he could not foreſee) now begs his brother's life at your hands. When you grant this, as a reward of his ſervices, to both the ſuppliants, you will then reſtore three brethren of diſtinguiſhed worth and probity, not only to one another, nor to that numerous and honourable body, nor to us his friends, but to the ſervice of the ſtate. What you lately did then in the ſenate by the illuſtrious M. Marcellus, that do now in the forum, by the beſt of brothers, men highly approved of by this numerous aſſembly. As you granted Marcellus to the ſenate, give Ligarius to the people; whoſe affections you have ever held ſo dear! and if that day was glorious to yourſelf, and delightful to the Roman people, do not heſitate, I beſeech you, Cæſar, to acquire the like glory as often as poſſible. For there is nothing ſo popular as goodneſs; not one of your numerous virtues is either more amiable, or more worthy of admiration, than your clemency. In nothing do men approach nearer to the gods, than by preſerving their fellow-creatures. Your fortune has not any thing more exalted, than that you have the power, or your nature any thing more amiable than that you have the inclination to ſave numbers. This cauſe perhaps requires a longer ſpeech; your diſpoſition, certainly a ſhorter one. Wherefore, as I am perſuaded that the language of your own heart will have more efficacy than any thing that I, or any other perſon can ſay, I ſhall here conclude, after putting you in mind, that by preſerving the man who is abſent, you preſerve all who are preſent.

ORA-

ORATIO XV.

In M. ANTONIUM PHILIPPICARUM*. PHILIPPICA PRIMA.

I. ANtequam de republica, Patres Conſcripti, dicam ea quæ dicenda hoc tempore arbitror, exponam vobis breviter conſilium & profectionis, & reverſionis meæ. (1.) Ego cum ſperarem aliquando ad veſtrum conſilium auctoritatemque rempublicam eſſe revocatam, manendum mihi ſtatuebam, quaſi in vigilia quadam Conſulari ac Senatoria; nec vero uſquam diſcedebam, nec à republica

NOTES.

* When Cæſar was put to death in the ſenate, Mark Antony, who was his collegue in the conſulſhip, apprehending ſome danger to his own life, ſtripped himſelf of his conſular robes, fled home in diſguiſe, began to fortify his houſe, and kept himſelf cloſe all that day; till perceiving the pacific conduct of the conſpirators, he recovered his ſpirits, and appeared again the next morning in public. His ſole view was to ſeize the government to himſelf, the moment he ſhould be in a condition to do it; and then on pretence of revenging Cæſar's death, to deſtroy all thoſe, who were likely to oppoſe him. Such were his deſigns, which he puſhed on with great vigour and addreſs; he made it his buſineſs to gain time by diſſembling and deceiving the Republican party into a good opinion of him; profeſs'd a ſincere inclination to peace, and no other deſire, than to ſee the Republic ſettled again on its old baſis. He ſeemed indeed to be all goodneſs and moderation; talk'd of nothing but healing meaſures; and, for a proof of his ſincerity, moved that the conſpirators ſhould be invited to take part in the public deliberations, and ſent his ſon as an hoſtage for their ſafety: upon which they all came down from the capitol, where they had taken refuge; Brutus ſupped with Lepidus, Caſſius with Antony; and the day ended to the univerſal joy of the city, who imagined, that their liberty was now crowned with certain peace. On the pretence of public concord however, there were ſeveral things artfully propoſed and carried, of which he afterwards made a moſt pernicious uſe; particularly a decree for the confirmation of all Cæſar's acts. He ſoon let all people ſee, for what end he had provided this decree, to which the ſenate conſented for the ſake of peace; for being maſter both of Cæſar's papers, and of his ſecretary Faberius, by whoſe hand they were written, he had an opportunity of forging and inſerting at pleaſure whatever he found of uſe to him; which he practiſed without any reſerve or management; ſelling publicly for money, whatever immunities were deſired, by countries, cities, princes, or private men, on pretence that they had been granted by Cæſar, and entered into his books. He gave ſeveral other inſtances of his violence, which opened the eyes of the conſpirators, and convinced them that there was no good to be expected from him, nor from the ſenate itſelf, which was under his influence. This turn of affairs made Cicero reſolve to proſecute what he had long been projecting, his voyage to Greece, to ſpend a few months with his ſon at Athens. He deſpaired of any good from the

ORATION XV.

The Firſt againſt M. ANTONY.

SECT. I. BEfore I treat, Conſcript Fathers, of thoſe things relating to the public, which I think neceſſary to be mentioned on this occaſion, I ſhall explain to you in a few words, the reaſon both of my departure and return. When I flattered myſelf that the government was at length brought again under your direction and authority, I determined with myſelf to continue here on a kind of a conſular and ſenatorian watch; nor did I once deſert my poſt,

NOTES.

the conſulſhip of Anthony and Dolabella, and intended to ſee Rome no more till their ſucceſſors Panſa and Hirtius entered into office, in whoſe adminiſtration he began to place all his hopes. Having prepared every thing neceſſary for his voyage, he ſet ſail for Greece, but was driven back by contrary winds to Leucopetra, a promontory nigh Rhegium, and forced to repoſe himſelf in the villa of his friend Valerius, and wait for the opportunity of a fair wind. During his ſtay there, the principal inhabitants of the country came to pay him their compliments, and brought him news of an unexpected turn of affairs at Rome towards a general pacification. This made him preſently drop all thoughts of purſuing his voyage, and determine to return to Rome, where he arrived on the laſt of Auguſt. The ſenate met the next morning, to which he was particularly ſummoned by Antony, but excuſed himſelf by a civil meſſage, as being too much indiſpoſed by the fatigue of his journey. Antony took this as an affront, and in great rage threatened openly in the ſenate, to order his houſe to be pulled down, if he did not come immediately; till by the interpoſition of the aſſembly he was diſſuaded from uſing any violence. The buſineſs of the day was to decree ſome extraordinary honours to the memory of Cæſar, with a religious ſupplication to him, as to a divinity. Cicero was determined not to concur in it, yet knew that an oppoſition would not only be fruitleſs but dangerous; and for that reaſon ſtaid away. Antony, on the other hand, was deſirous to have him there, fancying that he would either be frightened into a compliance, which would leſſen him with his own party, or by oppoſing what was intended make him odious to the ſoldiery; but as he was abſent, the decree paſſed without any contradiction. The ſenate met again the next day, when Antony thought fit to abſent himſelf, and leave the ſtage clear to Cicero; who accordingly appeared, and delivered this ſpeech, being the firſt of thoſe, which, in imitation of Demoſthenes, were called afterwards his *Philippics*. It was pronounced in the ſixty-third year of his age, and the ſeven hundred and ninth from the building of the city.

(1.) *Ego, cum ſperarem aliquando ad veſtrum conſilium*, &c.] Cæſar's death ſeemed the moſt likely means of reſtoring that authority

lica dejiciebam oculos, (2.) ex eo die, quo in Ædem Telluris convocati ſumus; in quo templo, quantum in me fuit, jeci fundamenta pacis: (3.) Athenienſiumque renovavi vetus exemplum: (4.) Græcum etiam verbum uſurpavi, quo tum in ſedandis diſcordiis uſa erat civitas illa: atque omnem memoriam diſcordiarum oblivione ſempiterna delendam cenſui. Præclara tum oratio M. Antonii; egregia etiam voluntas; pax denique per eum & per liberos ejus cum præſtantiſſimis civibus confirmata eſt. Atque his principiis reliqua conſentiebant; ad deliberationes eas, quas habebat domi de republica, principes civitatis adhibebat: ad hunc ordinem res optimas deferebat: ſumma cum dignitate & conſtantia ad ea, quæ quæſita erant, reſpondebat: nihil tum, niſi quod erat notum omnibus, in C. Cæſaris commentariis reperiebatur. Num qui exſules reſtituti? unum aiebat, præterea neminem. Num immunitates datæ? nullæ, reſpondebat. Aſſentiri enim nos Ser. Sulpicio, clariſſimo viro, voluit, ne qua tabula, poſt Idus Martias, ullius decreti Cæſaris, aut beneficii, figeretur. Multa prætereo, eaque præclara: ad ſingulare enim M. Antonii factum feſtinat oratio. (5.) Dictaturam, quæ vim jam regiæ poteſtatis obſederat, funditus ex republica ſuſtulit, de qua ne ſententias quidem diximus: ſcriptum Senatuſconſultum, quod fieri vellet, attulit: quo recitato, auctoritatem ejus ſummo ſtudio ſecuti ſumus, eique ampliſſimis verbis per Senatuſconſultum gratias egimus.

II. Lux quædam videbatur oblata, non modo regno, quod pertuleramus, ſed etiam regni timore ſublato: magnumque pignus ab eo reipublicæ datum, ſe liberam civitatem eſſe velle, cum Dictatoris nomen, quod ſæpe juſtum fuiſſet, propter perpetuæ Dictaturæ recentem memoriam funditus ex republica ſuſtuliſſet. Liberatus cædis

NOTES.

thority to the ſenate, which his ambition, while alive, had deprived them of; but by the artifice of Antony, and the ſuperior good fortune of Octavius, this great end was defeated, to which perhaps the inactivity of the conſpirators at their firſt ſetting out did not a little contribute.

(2) *Ex eo die, quo in Ædem Telluris convocati ſumus.*] Two days having been ſpent after Cæſar's death in mutual aſſurances of concord and amity, betwixt the conſpirators on the one hand, and Antony on the other; on the third, the ſenate was convened by the latter in the temple of Tellus, in order to adjuſt the conditions of their agreement, and confirm them there by ſome ſolemn act. This temple ſeems to have been particularly choſen for that purpoſe, on account of its being nigh the capitol, whither Brutus and his party had fled for refuge.

(3.) *Athenienſiumque renovavi vetus exemplum.*] The Athenians, after the expulſion of the thirty tyrants ſet over them by the Lacedæmonians, enacted a law containing a general act of oblivion for all that was paſt.

(4.) *Græcum etiam verbum uſurpari.*] viz. ἀμνηστίαν, *i. e.* an amneſty, or act of oblivion.

(5.) *Dictaturam quæ vim*, &c.] The conſpirators having been obliged to leave Rome on account of the violence of the mob, who were ſpirited up by the abettors of Cæſar's tyranny, Antony, as a mark of his diſpoſition to peace, and to ingratiate himſelf with the ſenate, drew up a decree, to aboliſh for ever the office and name of dictator.

poſt, or call off my eyes from the concerns of my country, from the day on which we met in the temple of Tellus; where, as far as was in my power, I laid the foundations of peace, and revived an antient uſage of the Athenians. I likewiſe borrowed a Greek expreſſion, which that ſtate formerly made uſe of in quieting the commotions of their city, and deliver'd it as my opinion, that all remembrance of civil diſcord ſhould be buried in eternal oblivion. Admirable on that occaſion was the language of Mark Antony; admirable too was his diſpoſition towards the ſtate; in a word, a reconciliation was confirmed by him and his children with the beſt of our citizens. And to this beginning the reſt of his conduct was then agreeable. He ſummoned the principal perſons of the ſtate to aſſiſt at the conſultations, which he held in his own houſe, concerning public affairs; laid every matter of importance before this aſſembly; anſwered the queſtions that were put to him, with the greateſt dignity and firmneſs; and nothing was then found in Cæſar's regiſter, but what every body knew of. Have any exiles been reſtored? the anſwer was, only one. Have any immunities been granted? he anſwered, none. He even wanted us to agree to what was propoſed by the illuſtrious Ser. Sulpitius, that no bill containing either a decree or a grant of Caius Cæſar, ſhould be poſted up after the ides of March. I omit many other particulars, and thoſe illuſtrious ones, and haſten to mention an extraordinary action of Mark Antony's. He utterly aboliſh'd the dictatorſhip, which, for ſome time, had aſſumed regal authority: upon which point we did not ſo much as declare our ſentiments. He brought an ordinance of the ſenate, ready drawn up in the manner in which he wanted it ſhould paſs; upon hearing it read, we complied with the utmoſt readineſs; and, by another act, returned him thanks in the moſt honourable terms.

SECT. II. A new light now ſeemed to break out upon us, being delivered not only from royalty, to which we had actually been ſubject, but from all apprehenſions of its ever being reſtored: and great was the proof he gave of his being inclined that the ſtate ſhould enjoy its liberty, ſince he utterly aboliſhed the office of dictator, which had often been legal, on account of the recent memory of its being made perpetual. The ſenate a few days after ſeemed to be freed from all apprehenſions of bloodſhed; the fugitive who pretended

NOTES.

dictator. The ſenate paſſed it, as it were, by acclamation, without putting it even to the vote; and decreed the thanks of the houſe for it to Antony; who, as Cicero afterwards told him, *had fixed an indelible infamy by it on Cæſar, in declaring to the world, that for the odium of his government, ſuch a decree was become both neceſſary and popular.*

dis periculo paucis poſt diebus Senatus videbatur; (6.) uncus impactus eſt fugitivo illi, qui in C. Marii nomen invaſerat. Atque hæc omnia communiter cum collega; alia porro propria Dolabellæ: quæ, niſi collega abfuiſſet, credo eis fuiſſe futura communia. Nam cum ſerperet in urbe infinitum malum, idque manaret in dies latius: iidemque buſtum in foro facerent, (7.) qui illam inſepultam ſepulturam effecerant; & quotidie magis magiſque perditi homines, cum ſui ſimilibus ſervis, tectis ac templis urbis minarentur: (8.) talis animadverſio fuit Dolabellæ, cum in audaces ſceleratoſque ſervos, tum in impuros & nefarios liberos; taliſque everſio illius exſecratæ columnæ, ut mirum mihi videatur, tam valde reliquum tempus ab uno illo die diſſenſiſſe. Ecce enim Kalend. Juniis, quibus ut adeſſemus edixerat, mutata omnia: nihil per Senatum, multa & magna per ſeipſum, & abſente populo & invito. Conſules deſignati ſe audere negabant in Senatum venire: patriæ liberatores urbe carebant ea, cujus à cervicibus jugum ſervile dejecerant: quos tamen ipſi Conſules & in concionibus & in omni ſermone laudabant. (9.) Veterani, qui appellabantur, quibus hic ordo diligentiſſime caverat, non ad conſervationem earum rerum, quas habebant, ſed ad ſpem novarum prædarum incitabantur. Quæ cum audire mallem, quam videre, (10.) haberemque jus legationis liberum, ea mente diſceſſi, ut adeſſem Kalend. Januariis, quod initium Senatûs cogendi fore videbatur.

III. Expoſui, P. C. profectionis conſilium; nunc reverſionis, quæ plus admirationis habet, breviter exponam. Cum Brunduſium, iterque

NOTES.

(6.) *Uncus impactus eſt fugitivo illi, qui in C. Marii nomen invaſerat.*] This Marius, by ſome called Chamaces, by others Heraphilus, and by Appian Amatius, had ſignalized himſelf as the chief incendiary at Cæſar's funeral, and the ſubſequent riots; and thus having ſerved Antony's ends, in driving Brutus and his party out of the city, was afterwards ſeized and ſtrangled by his order, his carcaſe dragged by a hook to the *Scalæ Gemonianæ*, and hurled into the Tyber.

(7.) *Qui illam inſepultam ſepulturam effecerant.*] Cicero calls it *inſepultam ſepulturam*, becauſe all the funeral rites were not regularly performed.

(8.) *Talis animadverſio fuit Dolabellæ.*] The mob headed by the impoſtor Marius above-mentioned, and artfully ſpirited up by Antony's agents, idolized the memory of Cæſar. For this purpoſe they reared a pillar twenty feet high in the forum, and inſcribed it PARENTI PATRIÆ; they performed ſacrifices upon it; made vows before it; and decided certain law-ſuits by one of the parties ſwearing by the name of Cæſar. Dolabella, who was then Antony's collegue in the conſulate, raſed the pillar to the ground; the ſlaves who had been inſtrumental in rearing and worſhipping it, he crucified, and the citizens he threw from the Tarpeian rock.

(9.) *Veterani, qui appellabantur.*] When Antony had put his affairs into the beſt train that he could, and appointed the firſt of June for a meeting of the ſenate, he made a progreſs thro' Italy, in order to gather up Cæſar's *old ſoldiers* from the ſeveral colonies and quarters in which they were ſettled. By large bribes, and larger promiſes, he attached them to his intereſts, and drew great bodies of them towards Rome, to be ready for any purpoſe that his affairs ſhould require.

(10.) *Haberemque jus legationis liberum.*] The *legatio libera* was an honorary legation or embaſſy, granted arbitrarily by the ſenate to

pretended to be related to Caius Marius was dragged through the ſtreets to execution; and all this was done in common with his collegue. Other things there were, that belonged to Dolabella only; but had Antony been preſent, I make no doubt but they would have been common to both. For when a boundleſs contagion had crept into the city, and daily extended its influence wider; and thoſe very men were erecting a monument in the forum, who had performed thoſe unfiniſhed obſequies; and a ſet of deſperate villains, in conjunction with ſlaves of the ſame diſpoſitions, threatened the temples and buildings of the city every day more and more; ſuch was the vengeance Dolabella took both of the audacious and profligate ſlaves, and the impious and abandoned citizens; and ſuch the ſpirit he ſhewed when he ordered the execrable pillar to be demoliſhed, that to me it is ſurpriſing his ſubſequent conduct ſhould differ ſo widely from his behaviour on that glorious day. For behold, by the firſt of June, the day on which he had ſummoned us to meet, every thing was changed. No one thing was done by the ſenate, but many, and of great conſequence too, by himſelf; both in the abſence, and againſt the inclinations of the people. The conſuls elect declared they durſt not venture into the ſenate; the deliverers of their country, whom yet the conſuls themſelves extolled in all their aſſemblies, and in their common converſation, were baniſhed that city, from whoſe neck they had torn the yoke of ſlavery. The veterans, as they are called, whom this body had ſo carefully provided for, were ſpirited up, not to preſerve their preſent poſſeſſions, but to hope for future plunder. As I choſe rather to hear of than to ſee theſe things, and had obtained the privilege of an honorary embaſſy, I departed with a reſolution of returning to Rome on the kalends of January, which, in all probability was to be the firſt day of the ſenate's meeting.

SECT. III. Thus, Conſcript Fathers, have I laid before you the reaſons of my departure, I ſhall now briefly acquaint you with the motive of my return, which has in it ſomewhat more ſurpriſing.

NOTES.

to any of its members, when they travelled abroad on their private affairs, in order to give them a public character, and a right to be treated as embaſſadors or magiſtrates; which, by the inſolence of theſe great gueſts was a grievous burden upon all the ſtates and cities through which they paſſed. Cicero, in his conſulſhip, deſigned to aboliſh it; but being driven from that by one of the tribunes, he was content to reſtrain the continuance of it, which before was unlimited, to the term of one year. When he had reſolved to proſecute his voyage to Greece upon the preſent occaſion, he wrote to Dolabella to procure him the grant of an honorary legation, and leſt Antony ſhould think himſelf ſlighted, he wrote to him too on the ſame ſubject. Dolabella immediately named him for one of his own lieutenants, which anſwered his purpoſe ſtill better; for, without obliging him to any ſervice, or limiting him to any time, it left him at full liberty to go wherever he pleaſed.

terque illud, quod tritum in Græciam eſt, (11.) non ſine cauſa vitaviſſem, Kalend. Sextilibus veni Syracuſas, quod ab urbe ea tranſmiſſio in Græciam laudabatur; quæ tamen urbs mihi conjunctiſſima, plus una me nocte cupiens retinere, non potuit; veritus ſum, ne meus repentinus ad meos neceſſarios adventus ſuſpicionis aliquid afferret, ſi eſſem commoratus. Cum autem me ex Sicilia ad Leucopetram, quod eſt promontorium agri Rhegini, venti detuliſſent, ab eo loco conſcendi, ut tranſmitterem: nec ita multum provectus, rejectus auſtro ſum in eum ipſum locum, unde conſcenderam; cumque intempeſta nox eſſet, manſiſſemque in villa P. Valerii comitis & familiaris mei, poſtridieque apud eundem, ventum exſpectans, manerem, municipes Rhegini complures ad me venerunt, ex his quidam Roma recentes: à quibus primum accipio M. Antonii concionem: quæ ita mihi placuit, ut ea lecta de reverſione primum cœperim cogitare: nec ita multo poſt, (12.) edictum Bruti adfertur & Caſſii; quod quidem mihi, fortaſſe quod eos etiam plus reipublicæ quàm familiaritatis gratia diligo, plenum æquitatis videbatur. Addebant præterea (fit enim plerumque ut ii, qui boni quid volunt adferre, affingant aliquid, quo faciant id, quod nuntiant, lætius) rem conventuram: Kalend. Sextilibus Senatum frequentem fore: Antonium, repudiatis malis ſuaſoribus, remiſſis Galliis provinciis, ad auctoritatem Senatûs eſſe reditūrum.

IV. Tum vero tanta ſum cupiditate incenſus ad reditum, ut mihi nulli neque remi, neque venti ſatisfacerent: non quo me ad tempus occurſurum putarem, ſed ne tardius, quam cuperem, reipublicæ gratularer. Atque ego celeriter Veliam devectus Brutum vidi, quanto meo dolore, non dico; turpe mihi ipſi videbatur, in eam urbem me audere reverti, ex qua Brutus cederet: & ibi velle tuto eſſe, ubi ille non poſſet. Neque vero illum, ſimiliter atque ipſe eram, commotum eſſe vidi; erectus enim maximi ac pulcherrimi facti ſui conſcientia, nihil de ſuo caſu, multa de noſtro querebatur; ex quo primùm cognovi, (13.) quæ Kalend. Sextilibus in Senatu fuiſſet L. Piſonis oratio: qui quanquam parum erat (id enim ipſum à Bruto audieram) à quibus debuerat, adjutus; tamen & Bruti teſtimonio (quo quid poteſt eſſe gravius?) & omnium prædicatione, quos poſtea vidi, magnam mihi videbatur gloriam conſecutus. Hunc igitur ut ſequerer,

NOTES.

(11.) *Non ſine cauſa vitaviſſem.*] It appears from Cicero's letters to Atticus, that Antony had ſome legions at Brunduſium, and it is here inſinuated, that, having heard of his intention to travel into Greece, they had formed a deſign of way-laying him.

(12.) *Edictum Bruti adfertur & Caſſii.*] This relates to an edict drawn up by Brutus and Caſſius, in anſwer to one publiſhed before by Antony, charging them with acting in oppoſition to the public welfare.

(13.) *Quæ Kalendis Sextilibus in Senatu fuiſſet L. Piſonis oratio.*] L. Piſo was father-in-law to Cæſar, and had ſignalized himſelf by a vigorous ſpeech in the ſenate, on the firſt of Auguſt, in favour of the public liberty.

When I had, not without reaſon, avoided going to Brunduſium, and left the high road to Greece, I landed at Syracuſe about the firſt of Auguſt, becauſe I was told the paſſage from thence into Greece was the beſt; and tho' I have the greateſt regard for that city, I could not be prevailed upon to ſtay any longer in it than one night. I was afraid leſt ſo ſudden a viſit to my friends, if I made any ſtay with them, ſhould give ſome handle for ſuſpicion. But when I was driven by contrary winds from Sicily to Leucopetra, a promontory in the territory of Rhegium, I ſet ſail from thence, with a deſign of paſſing over; I had not proceeded far, however, when I was driven back by a ſoutherly wind to the ſame port. As it was late at night, and I had lodged at the houſe of P. Valerius, my companion and friend, with whom I ſpent the next day too, waiting for a wind, a great many of the corporation of Rhegium, and ſome of them lately come from Rome, came to ſee me. Theſe firſt gave me a copy of Antony's ſpeech, which ſo delighted me, that I began to entertain thoughts of returning. Not long after, the edict of Brutus and Caſſius was brought me, which I thought a very equitable one, perhaps becauſe I love them more on a public than a private account. They told me beſides (for it generally happens, that thoſe who are deſirous of bringing any good news, add ſomething of their own to render it more agreeable) that matters would be made up; that there would be a full ſenate on the firſt of Auguſt; that Antony, having diſmiſſed his wicked counſellors, and given up his claim to the provinces of Gaul, would return to his allegiance to the ſenate.

SECT. IV. So ardent upon this was my deſire of returning, that neither winds nor oars could ſatisfy my impatience; not that I thought I could be here in time, but that I might not be later than I wiſhed in congratulating my country. In a ſhort time I reached Velia, where I ſaw Brutus; with how much concern, I ſhall not ſay. I thought it a diſhonour for me to dare to return to that city, which Brutus had been obliged to quit; and to be deſirous of remaining in ſafety in a place, where he could not. But he was not affected in the manner that I was; for, ſupported by the conſciouſneſs of ſo great and glorious a deed, he complained loudly of our misfortunes, but ſaid nothing of his own. From him I firſt learned what kind of a ſpeech was delivered in the ſenate, on the firſt of Auguſt, by L. Piſo; who, tho' he was but poorly ſeconded by thoſe whoſe duty it was, (for this too I heard from Brutus) yet both by the teſtimony of Brutus (and what can be of greater weight?) and the report of all thoſe I ſaw afterwards, he appeared to me to have acquired great glory. I made haſte, therefore, to ſecond him, who was not ſeconded by thoſe that were preſent; not that I could be of any

ſequerer, properavi, quem præſentes non ſunt ſecuti: non ut proficerem aliquid (neque enim ſperabam id, neque præſtare poteram) ſed ut, ſi quid mihi humanitus accidiſſet (14.) (multa autem impendere videbantur præter naturam, præterque fatum) hujus tamen diei vocem hanc teſtem reipublicæ relinquerem meæ perpetuæ erga ſe voluntatis. Quoniam utriuſque conſilii cauſam, Patres Conſcripti, probatam vobis eſſe confido, prius quam de republica dicere incipio, pauca querar de heſterna M. Antonii injuria, cui ſum amicus: idque me nonnullo ejus officio debere eſſe, præ me ſemper tuli.

V. Quid tandem erat cauſæ, cur in Senatum heſterno die tam acerbe cogerer? ſolus-ne aberam? an non ſæpe minus frequentes fuiſtis? an ea res agebatur, ut etiam ægrotos deferri oporteret? Hannibal, credo, erat ad portas, aut de Pyrrhi pace agebatur: (15.) ad quam cauſam etiam Appium illum & cæcum & ſenem delatum eſſe, memoriæ proditum eſt. De ſupplicationibus referebatur: quo in genere Senatores deeſſe non ſolent; coguntur enim non pignoribus, ſed eorum, quorum de honore agitur, gratia: quod idem fit, cum de triumpho refertur; ita ſine cura Conſules ſunt, ut pene liberum ſit Senatori non adeſſe; qui cum mihi mos notus eſſet, cumque de via languerem, & mihimet diſplicerem, miſi pro amicitia, qui hoc ei diceret. At ille, vobis audientibus, cum fabris ſe domum meam venturum eſſe dixit; nimis iracunde hoc quidem, & valde intemperanter; cujus enim maleficii tanta iſta pœna eſt, ut dicere in hoc ordine auderet, ſe publicis operis diſturbaturum publice ex Senatûs ſententia ædificatam domum? quis autem unquam tanto damno Senatorem coëgit? (16.) aut quid eſt ultra pignus, aut multam? qui ſi ſciſſet, quam ſententiam dicturus eſſem, remiſiſſet aliquid profecto de ſeveritate cogendi.

VI.

NOTES.

(14.) *Multa autem impendere videbantur præter naturam, præterque fatum.*] As the commentary of Abramius may throw ſome light upon theſe words, we ſhall here tranſcribe it: *Illa mors*, ſays he, *eſt ſecundum naturam, et ſecundum fata, quæ ex principiis naturæ intrinſicis, & ex pugna quatuor primarum qualitatum, una prævalente contingit. Illa præter naturam quidem, ſed tamen ſecundum fata, quæ ab externa cauſarum ſerie infertur; ut ſi quis incendio, vel naufragio, vel alio caſu pereat. Illa præter naturam, præterque fatum, quæ nec a principiis naturæ intrinſecis, nec a cauſis externis agendi neceſſitate conſtrictis, ſed ab hominis libertate dependit; ut cum quis mortem ſibi conſciſcit, vel alterius ſcelere occiditur.*

(15.) *Ad quam cauſam etiam Appium illum, & cæcum, & ſenem, &c.*] When Pyrrhus ſent Cyneas to Rome to negotiate a peace with the ſenate, ſeveral of the ſenators diſcovered a ſtrong inclination to enter into a treaty. A rumour of this diſpoſition being ſpread through the city, came to the ears of Appius Claudius, the famous orator and civilian, who had for ſome time, on account of his great age and the loſs of his ſight, retired from all public buſineſs, and confined himſelf wholly to his family. Upon hearing the report of what paſſed in the ſenate, he cauſed himſelf to be carried in the arms of his domeſtics to the door of the ſenate-houſe, where his ſons and his ſons-in-law met him, and led him into the aſſembly, which was huſhed into a profound ſilence the moment he appeared. The firm and honeſt ſpeech which the venerable old man made upon the occaſion, ſo awaken'd the Roman ſpirit [illegible]

any ſervice (for that I neither expected, nor was it in my power) but that if I ſhould happen to ſhare in the common lot of humanity, (and many things indeed out of the ordinary courſe of nature and fate ſeemed to threaten) I might at leaſt bequeath to my country the ſpeech I made on this occaſion, as a laſting monument of my affection. As I now flatter myſelf, Conſcript Fathers, that my conduct in both reſpects has met with your approbation, before I enter on what concerns the ſtate, I ſhall beg leave to complain briefly of the injury done me yeſterday by M. Antony, whoſe friend I profeſs myſelf to be; and that I ought to be ſo, on account of ſome obligations he has laid me under, I have always been ready to acknowledge.

SECT. V. What then was the reaſon why I was preſſed yeſterday in ſo harſh a manner to aſſiſt in the ſenate? was I the only perſon abſent? have not you frequently had a thinner houſe? was the buſineſs under conſideration of ſuch importance, that there was a neceſſity even of carrying the ſick thither? Hannibal, I ſuppoſe, was at our gates, or the debate was about a peace with Pyrrhus; on which occaſion, we are told, the great Appius was carried to the ſenate, old and blind as he was. The queſtion was about ſupplications, in which kind of debates the ſenators are generally preſent, not with a view to ſave their forfeitures, but out of regard to thoſe whoſe honours are under debate; which is likewiſe the caſe, when the queſtion is concerning a triumph. So unconcerned on ſuch an occaſion, are the conſuls, that a ſenator is almoſt at liberty to be abſent. As I was no ſtranger to this form, fatigued with my journey, and uneaſy in my own thoughts, I ſent, as a friend, to acquaint him with it. But he, in your hearing, declared that he would come himſelf to my houſe with workmen. Too paſſionately indeed, and intemperately ſpoken; for what crime could deſerve ſuch a puniſhment, as could juſtify his declaring in this aſſembly, that he would come with the workmen of the public, to pull down a houſe, built by a decree of the ſenate, at the public charge? who ever laid a ſenator under ſuch compulſion? or what penalty is there in ſuch a caſe beyond a forfeit or a fine? had he but known what I had to ſay, he would certainly have remitted ſomewhat of his ſeverity.

SECT.

NOTES.

the ſenators, that without farther debate they unanimouſly paſſed a decree, inſtantly to diſmiſs the embaſſador with this anſwer, *that the Romans would enter into no treaty with king Pyrrhus, ſo long as he continued in Italy; but with all their ſtrength would purſue the war againſt him, tho' he ſhould vanquiſh a thouſand Lavinius's.*

(16.) *Aut quid eſt ultra pignus, aut mulctam?*] In the later times of the republic, the uſual way of calling the ſenators was by an edict, appointing the time and place, and publiſhed ſeveral days before, that the notice might be more public. If any ſenator refuſed or neglected to obey the ſummons, the conſul could oblige him to give ſurety, for the payment of a certain fine, if the reaſons of his abſence ſhould not be allowed.

VI. An me cenſetis, P. C. quod vos inviti ſecuti eſtis, decreturum fuiſſe, (17.) ut parentalia cum ſupplicationibus miſcerentur? ut inexpiabiles religiones in rempublicam inducerentur? ut decernerentur ſupplicationes mortuo? Nihil dico cui: fuerit ille L. Brutus, qui & ipſe regio dominatu rempublicam liberavit, (18.) & ad ſimilem virtutem, & ſimile factum, ſtirpem jam prope in quingenteſimum annum propagavit: adduci tamen non poſſem, ut quenquam mortuum conjungerem cum deorum immortalium religione; ut, cujus ſepulcrum uſquam exſtet, ubi parentetur, ei publice ſupplicetur. Ego vero eam ſententiam dixiſſem, Patres Conſcripti, ut me adverſus populum Romanum, ſi quis accidiſſet gravior reipublicæ caſus, ſi bellum, ſi morbus, ſi fames, facile poſſem defendere; quæ partim jam ſunt, partim timeo ne impendeant. Sed hoc ignoſcant dii immortales, velim, & populo Romano, qui id non probat, & huic ordini, qui decrevit invitus. Quid, de reliquis reipublicæ malis licet-ne dicere? mihi vero licet, & ſemper licebit, dignitatem tueri, mortem contemnere: poteſtas modo veniendi in hunc locum ſit, dicendi periculum non recuſo. Atque utinam, P. C. Kalendis Sextilibus adeſſe potuiſſem! non quo profici potuerit aliquid, ſed ne unus modo Conſularis, quod tum accidit, dignus illo honore, dignus republica inveniretur. Qua quidem ex re magnum accipio dolorem, homines ampliſſimis populi Romani beneficiis uſos, L. Piſonem, ducem optimæ ſententiæ non ſecutos. Idcirco-ne nos populus Romanus Conſules fecit, ut in altiſſimo ampliſſimoque gradu dignitatis locati, rempublicam pro nihilo haberemus? non modo voce nemo L. Piſoni Conſularis, ſed ne vultu quidem aſſenſus eſt. Quænam (malum!) eſt iſta voluntaria ſervitus? fuerit quædam neceſſaria; nec ego hoc ab omnibus iis deſidero, qui ſententiam loco Conſulari dicunt; alia cauſa eſt eorum, quorum ſilentio ignoſco; alia eorum, quorum vocem requiro; quos quidem doleo in ſuſpicionem populo Romano venire, non modo metus, quod ipſum eſſet turpe, ſed alium alia de cauſa deeſſe dignitati ſuæ.

VII.

NOTES.

(17.) *Ut parentalia cum ſupplicationibus miſcerentur.*] The *parentalia* were only feaſts held, and ſacrifices offered in memory of the dead. They were called *parentalia*, becauſe performed on account of parents and relations.

(18.) *Et ad ſimilem virtutem, & ſimile factum ſtirpem*, &c.] This account of M. Brutus's deſcent from L. Brutus, who expelled Tarquin, and gave freedom to Rome, is call'd in queſtion by ſome of the antient writers; and particularly by Dionyſius of Halicarnaſſus, who alledges ſeveral arguments againſt it, which ſeem to be very plauſible. While Brutus lived, however, it was univerſally allowed to him; Cicero mentions it frequently as a fact, that no body doubted; and often ſpeaks of the image of old Brutus, which Marcus kept in his houſe among thoſe of his anceſtors; and Atticus, who was peculiarly curious in the antiquities of the Roman families, drew up Brutus's genealogy for

SECT. VI. Do you imagine, Conſcript Fathers, that tho' you were obliged to comply, I would have given my voice for mixing parental obſequies with public thankſgivings? for introducing inexpiable rites into the ſtate? for decreeing ſupplications to a dead perſon, I will not ſay who? Had it been L. Brutus, who with his own hand delivered Rome from regal tyranny, and, at the diſtance of almoſt five hundred years hath propagated a race, virtuous like himſelf, to do their country the like glorious ſervice, I ſhould never have been prevailed upon to blend the honours of the gods with that of a dead man; to conſent that he who has no where a monument for the parental obſequies, ſhould have public ſupplications paid him. Theſe, Conſcript Fathers, were the ſentiments I ſhould have delivered, that I might have eaſily juſtified myſelf to the people of Rome, in caſe of any heavy calamity, through war, through peſtilence or famine; part of which has already fallen upon us, and more, I am afraid, threatens us. But I hope the Immortal Gods will pardon the people of Rome, who do not approve it; and the ſenate, who decreed it contrary to their inclinations. What! muſt we not ſpeak of the other grievances of the ſtate? I may, and ever will aſſert my dignity, and deſpiſe death. Let me but have the liberty of coming into this aſſembly, and I ſhall never decline the danger of ſpeaking freely. And, O Conſcript Fathers, that I could have been preſent on the firſt of Auguſt; not that my preſence could have been of any ſervice, but that there might not have been, as was then the caſe, only one conſular perſon, who was worthy of that honour, and worthy of the ſtate. This, indeed, is matter of great concern to me, that the men who have enjoyed the higheſt honours of the ſtate, did not ſecond L. Piſo, who made ſo excellent a propoſal. Was it for this the people of Rome raiſed us to conſular dignity, that when placed in the higheſt and moſt honourable ſtation, we ſhould ſet at nought the commonwealth? Not a conſular expreſſed, nor even looked aſſent to what Piſo propoſed. A curſe on this voluntary ſervitude; it is too much that we are ſubject to a neceſſary one. I do not expect that all thoſe who are of conſular rank ſhould deliver their ſentiments. The caſe of thoſe, whoſe ſilence I pardon, is different from theirs whoſe voices I demand. I am indeed ſorry to ſee them ſuſpected by the Roman people, not of fear only, tho' that would be ſcandalous, but of being ſeverally wanting to their dignity, for ſeveral cauſes.

SECT.

NOTES.

for him, deducing his ſucceſſion from that old hero, in a direct line through all the intermediate ages from father to ſon. *Corn. Nep. vit. Att.*

VII. Quare primum maximas gratias & habeo & ago L. Piſoni, qui non, quid efficere poſſet in republica, cogitavit, ſed quid ipſe facere deberet: deinde à vobis, P. C. peto, ut, etiamſi ſequi minus audebitis orationem atque auctoritatem meam, benigne me tamen, ut feciſtis adhuc, audiatis. Primum igitur acta Cæſaris ſervanda cenſeo: non quo probem; quis enim id quidem poteſt? ſed quia rationem habendam maxime arbitror pacis atque otii. (19.) Vellem adeſſet Antonius, modo ſine advocatis; ſed, ut opinor, licet ei minus valere: quod mihi heri per illum non licebat. Doceret me, vel potius vos, P. C. quemadmodum ipſe Cæſaris acta defenderet. An in commentariolis & chirographis, & libellis ſe uno auctore prolatis, ac ne prolatis quidem, ſed tantummodo dictis, acta Cæſaris firma erunt? quæ ille in æs incîdit, in quo populi juſſa, perpetuaſque leges eſſe voluit, pro nihilo habebuntur? Equidem ſic exiſtimo, nihil tam eſſe in actis Cæſaris, quam leges Cæſaris; an, ſi cui quid ille promiſit, id erit fixum? quod idem facere non potuit, ut multis multa promiſſa non fecerit; quæ tamen multo plura illo mortuo reperta ſunt, quam vivo beneficia per omnes annos tributa, & data; ſed ea non muto, non moveo: ſummo enim ſtudio præclara illius acta defendo: (20.) pecunia utinam ad Opis maneret; cruenta illa quidem, ſed his temporibus, cùm iis, quorum eſt, non redditur, neceſſaria; quanquam ea quoque ſit effuſa, ſi ita in actis fuit. Ecquid eſt, quod tam proprie dici poſſit actum ejus, qui togatus in repub. cum poteſtate imperioque verſatus ſit, quam lex? quære acta Gracchi, leges Semproniæ proferentur: quære Sullæ, Corneliæ: quid? Cn. Pompeii tertius Conſulatus in quibus actis conſtitit? nempe in legibus: à Cæſare ipſo ſi quæreres, quidnam egiſſet in urbe & in toga; leges multas reſponderet ſe & præclaras tuliſſe; chirographa vero aut mutaret, aut non daret: aut ſi dediſſet, non iſtas res in actis ſuis duceret. Sed ea ipſa concedo: quibuſdam in rebus etiam conniveo: in maximis vero rebus, id eſt, legibus, acta Cæſaris diſſolvi ferendum non puto.

VIII.

NOTES.

(19.) *Vellem adeſſet Antonius, modo ſine advocatis.*] Cicero here means thoſe veteran ſoldiers whom Antony generally carried with him to the ſenate-houſe, in order to intimidate the ſenators, and awe them into a compliance with his meaſures.

(20.) *Pecunia utinam ad Opis maneret.*] Among other inſtances of Antony's violence, he ſeized the public treaſure, which Cæſar had depoſited for the occaſions of the government in the temple of Ops, amounting to above five millions and a half of our money. With this he paid off his debts, which, at the time of Cæſar's death, amounted to above three hundred thouſand pounds; purchaſed ſoldiers; and gained over to his meaſures his collegue Dolabella, who had long been oppreſſed with the load of his debts.

SECT. VII. In the firſt place then, I return my ſincereſt acknowledgments to L. Piſo, who conſidered not what was in his power, but what was his duty, to do for the ſtate: in the next place, I beg of you, Conſcript Fathers, that tho' you ſhould not have the courage to ſupport my ſpeech and my authority, you would at leaſt, as you have hitherto done, give me a favourable hearing. Firſt then, I give it as my opinion, that Cæſar's acts ſhould be confirmed; not that I approve them, for who indeed can? but becauſe I think we ought to pay the greateſt regard to peace and tranquillity. I wiſh Antony were preſent, but without his council. He, I preſume, has a privilege to be indiſpoſed, tho' yeſterday I could have no ſuch indulgence. He would ſhew me, or rather, you, Conſcript Fathers, in what manner he defends Cæſar's acts. Shall the acts of Cæſar contained in his notes, his minutes and memorandums, produced by this man only; nay, not even produced, but ſaid to be extant, remain in force? and ſhall what he engraved on braſs, by which he admitted the commands of the people, and declared their laws perpetual, be of no account? I am indeed of opinion, that nothing is ſo much the act of Cæſar, as the laws of Cæſar. If he has made any promiſes to any one, muſt thoſe promiſes remain in force, when he himſelf could not have performed them? as he actually made many promiſes to ſeveral, which he never performed: but which are found out in much greater numbers ſince his death, than he ever beſtowed bounties in his life. Yet theſe I am neither for changing, nor altering; nay, his noble acts I defend with the greateſt zeal. I wiſh the money were ſtill in the temple of Ops. It was indeed ſtained with blood; but ſince it is not reſtored to thoſe to whom it belongs, it might be ſerviceable to us on this occaſion. Yet let that too be diſſipated, if Cæſar's acts will have it ſo. Is there any thing that can with ſo much propriety be called the act of a man, who in peaceful robes was inveſted with power and authority in the ſtate, as a law which he paſſed? aſk for the acts of Gracchus, and the Sempronian laws will be produced; aſk for Sylla's, the Cornelian. Beſides, in what acts conſiſted Pompey's third Conſulate? In his laws, moſt certainly. Had you aſked Cæſar himſelf what he had done in the city and ſenate, he would have replied that he had paſſed many and excellent laws. But, as to his notes, he would either have altered them, or not given them; or if he had given them, he would not have reckoned them among his acts. Yet even theſe things I give up; ſome others I connive at: but in the moſt important points, that is, in his laws, I am of opinion that we ought not to ſuffer Cæſar's acts to be annulled.

VIII. Quæ lex melior, utilior, optima etiam republ. ſæpius flagitata, quam ne Prætoriæ provinciæ plus quam annum, neve plus quam biennium Conſulares obtinerentur? Hac lege ſublata, videnturne vobis acta Cæſaris ſervari? (21.) quid? ea lege, quæ promulgata eſt de tertia decuria, nonne omnes judiciariæ leges Cæſaris diſſolvuntur? & vos acta Cæſaris defenditis, qui leges ejus evertitis? niſi forte, ſi quid memoriæ cauſa retulit in libellum, id numerabitur in actis, & quamvis iniquum & inutile ſit, defendetur: quod ad populum centuriati comitiis tulit, id in actis Cæſaris non habebitur. At quæ eſt iſta tertia decuria? Centurionum, inquit: quid? iſti ordini, judicatus lege Julia, etiam antea Pompeia, Aurelia non patebat? Cenſus præfiniebatur, inquit, non centurioni quidem ſolum, ſed equiti etiam Romano. Itaque viri fortiſſimi atque honeſtiſſimi, qui ordines duxerunt, res & judicant & judicaverunt. Non quæro, inquit, iſtos: quicunque ordinem duxit, judicet. At ſi ferretis, Quicunque equo meruiſſet, quod eſt laudatius, nemini probaretis. In judice enim ſpectari & fortuna debet, & dignitas. Non quæro, inquit, iſta: addo etiam judices manipulares, (22.) ex legione Alaudarum; aliter enim noſtri negant poſſe ſe ſalvos eſſe. O contumelioſum honorem iis quos ad judicandum nec-opinantes vocatis! hic enim eſt legis index, ut ii in tertia decuria judicent, qui libere judicare non audeant: in quo quantus eſt error, dii immortales, eorum, qui iſtam legem excogitaverunt! ut enim quiſque ſordidiſſimus videbitur, ita libentiſſime ſeveritate judicandi ſordes ſuas eluet: laborabitque, ut honeſtis decuriis potius dignus videatur, quam in turpem jure conjectus.

IX. Altera promulgata lex eſt, ut & de vi, & de majeſtate damnati, ad populum provocent, ſi velint: hæc utrum tandem lex eſt, an legum omnium diſſolutio? quis enim eſt hodie, cujus interſit iſtam legem manere? nemo reus eſt legibus illis, nemo quem futurum putemus; armis enim geſta nunquam profecto in judicium vocabuntur. At res popularis; utinam quidem vellet is aliquid eſſe populare;

NOTES.

(21.) *Quid? ea lege, quæ promulgata eſt, &c.*] Cæſar had paſſed a law, confining the judicial power to the ſenators and knights, and excluding the *Tribuni Ærarii*, who before had acted as judges. Antony was now deſirous of adding a third order to the two former, to be choſe out of the centurions.

(22.) *Ex legione Alaudarum.*] This legion of the *Alaudæ* was firſt raiſed by Cæſar, and compoſed of the natives of Gaul, armed and diſciplined after the Roman manner, to which he gave the freedom of Rome. He called it by a Gallic name *Alaudæ*, which ſignified a kind of lark, or little bird with a tuft or creſt riſing upon its head; in imitation of which, this legion wore a creſt of feathers on the helmet; from which origin the word was adopted into the Latin tongue. Antony, out of compliment to theſe troops, and to aſſure himſelf of their fidelity, made a judiciary law, by which he erected a third claſs of judges, to be drawn from the officers of

SECT. VIII. Was ever a law of greater importance and utility, or more frequently demanded in the beſt times of the ſtate, than that the prætorian provinces ſhould not be held longer than a year, nor the conſular longer than two? if this law be aboliſhed, can you imagine that Cæſar's acts remain in force? what! are not all Cæſar's judicial laws rendered void, by that which has been promulged in relation to a third decury of judges? And do you defend Cæſar's acts, who thus aboliſh his laws? unleſs whatever he ſet down by way of memorandum in his pocket-book, is to be deemed his act, and how unjuſt or uſeleſs ſoever, to be defended; whilſt that which he enacted in the fulleſt aſſemblies of the people, is not to be accounted an act of his. But of whom is this third decury compoſed? of centurions, ſays he. How? by the Julian law; and before that, by the Pompeian and Aurelian, that order was excluded from all judicial authority. A certain eſtate, ſays he, was preſcribed. Yes; and that not only to a centurion, but to a Roman knight. Accordingly the braveſt and worthieſt men that are at the head of corps, ſtill act, and have long acted in a judicial capacity. I mean not theſe, ſays he, but let every man that has headed a corps, have a power to judge. But if you were to enact, that whoever had ſerved on horſeback, which is the more honourable ſervice, might ſit as judge, you would not gain the approbation of a ſingle perſon: for in a judge, both his rank and fortune are to be regarded. Theſe, ſays he, I don't mind; I am even for creating additional judges out of the ſubalterns of the Gallic legion; for otherwiſe our party ſay, they cannot be ſafe. Reproachful honour to thoſe, whom you thus unexpectedly raiſe to the ſeat of juſtice; for this is the title of the law, that thoſe ſhould act as judges in the third decury, who are not at liberty to judge freely. Immortal Gods! what an error was this in thoſe who contrived that law? for in proportion, as each ſhall appear a contemptible tool, the more ſolicitous will he be to wipe off his infamy by judging with ſeverity, that he may ſeem to be worthy of being a member in the honourable, rather than to be thruſt deſervedly into the diſgraceful decuries.

SECT. IX. There is another law promulged, by which thoſe who are convicted of violence and treaſon, may appeal, if they pleaſe, to the people. Whether now is this a law, or an abrogation of all laws? For what man living is there, whoſe intereſt it is, that this law ſhould paſs? no one is proſecuted upon theſe laws, nor any one likely to be; for men ſurely will never be brought to a trial for what they have done in arms. But the thing is popular.

I

NOTES.

of this legion, and added to the other two of the ſenators and knights; for which Cicero often reproaches him, as being a moſt infamous proſtitution of the dignity of the republic.

populare; omnes enim jam cives de reipub. ſalute, una & mente & voce conſentiunt. Quæ eſt igitur iſta cupiditas ejus legis ferendæ, quæ turpitudinem ſummam habeat, gratiam nullam? quid enim turpius, quàm qui majeſtatem populi Romani per vim minuerit, eum damnatum judicio, ad eam ipſam vim reverti, propter quam ſit jure damnatus? Sed quid plura de lege diſputo? quaſi verò id agatur, ut quiſquam provocet; id agitur, id fertur, ne quis omnino unquam iſtis legibus reus fiat. Quis enim aut accuſator tam amens reperietur, qui reo condemnato objici ſe multitudini conductæ velit? aut judex, qui reum damnare audeat, ut ipſe ad operas mercenarias ſtatim protrahatur? Non igitur provocatio iſta lege datur: ſed duæ maxime ſalutares leges quæſtioneſque tolluntur. Quid eſt igitur aliud adhortari adoleſcentes, ut turbulenti, ut ſeditioſi, ut pernicioſi cives velint eſſe? quam autem ad peſtem furor Tribunitius impelli non poterit, his duabus quæſtionibus, de vi, & de majeſtate ſublatis? Quid, quod obrogatur legibus Cæſaris, quæ jubent ei, qui de vi, itemque ei, qui majeſtatis damnatus ſit, aqua & igni interdici? quibus cum provocatio datur, nonne acta Cæſaris reſcinduntur? Quæ quidem ego, P. C. qui illa nunquam probavi, ita conſervanda concordiæ cauſa arbitratus ſum, ut non modo, quas vivus Cæſar leges tuliſſet, infirmandas hoc tempore non putarem, ſed ne illas quidem quas poſt mortem Cæſaris prolatas eſſe & fixas videtis.

X. De exſilio reducti à mortuo: civitas data non ſolum ſingulis, ſed etiam nationibus & provinciis univerſis à mortuo: immunitatibus infinitis ſublata vectigalia à mortuo. Ergo hæc uno, verum optimo, auctore domo prolata defendimus: eas leges, quas ipſe vobis inſpectantibus recitavit, pronuntiavit, tulit, quibus latis gloriabatur, iiſque legibus rempublicam contineri putabat, de provinciis, de judiciis, eas inquam, Cæſaris leges, nos, qui defendimus acta Cæſaris, evertendas putamus? At de iis tamen legibus, quæ promulgatæ ſunt, ſaltem queri poſſumus: de iis, quæ jam latæ dicuntur, ne illud quidem licuit; illæ enim nulla promulgatione latæ ſunt ante quam ſcriptæ. Quærunt quid ſit, cur aut ego, aut quiſquam veſtrûm, P. C. bonis Tribunis plebis leges malas metuat; paratos

I wiſh indeed he would ſuffer ſomething to be popular; for all the citizens of Rome concur now in heart and voice, as to the ſafety of the ſtate. Whence then ariſes this eagerneſs for paſſing a law, which has every thing infamous, and nothing popular? for what can be more ſcandalous, than that the man who has by force violated the majeſty of the people of Rome, and has been lawfully condemned for his offence, ſhould have recourſe to that violence, of which he had before been legally convicted? But why need I talk more of this law? as if the debate now were, that any one might appeal. The intention and import of the whole is, that no man ſhall ever be proſecuted on theſe laws. For where is there either an accuſer ſo frantic to be found, as to be willing to expoſe himſelf to a mercenary mob, after a criminal is convicted? or a judge, who would venture to paſs ſentence upon the party accuſed, that he himſelf might be dragged, the next moment, before a parcel of mercenary mechanics? An appeal then is not the thing granted by this law; but two other laws and proceedings highly ſalutary are reverſed. For what elſe is it, but an encouragement to young fellows to become ſeditious, turbulent, and pernicious citizens? For to what fatal extremities may not the Tribunitian power be puſhed, if the two laws relating to violence and treaſon are aboliſhed? What! ſhall we render Cæſar's laws of none effect, which order, that one convicted of violence or treaſon, ſhould be deprived of the benefit of fire and water? And if ſuch an appeal be allowed, are not Cæſar's acts aboliſhed? Which acts even I, Conſcript Fathers, who never approved of them, have always thought ſhould be preſerved for the ſake of peace; ſo that I not only diſapproved of invalidating at preſent thoſe laws which Cæſar paſſed in his life-time, but even thoſe which you have ſeen expoſed and poſted up ſince his death.

SECT. X. By the dead are exiles recalled: by the dead the freedom of Rome is granted not to private perſons only, but even to whole nations and provinces: by the dead, numbers of corporations have their taxes remitted. What has been produced then from his houſe, upon a ſingle, but an unqueſtionable evidence, we defend: and ſhall we, who confirm Cæſar's acts, think of aboliſhing thoſe laws, which he himſelf, in our ſight, recited, pronounced, enacted; laws, which he valued himſelf upon; laws, in which he thought the whole ſyſtem of our government comprehended; laws, which affect our provinces and our trials? Yet of thoſe laws which are only propoſed, we are at leaſt at liberty to complain; as to thoſe which are ſaid to be already paſſed, we have not even that liberty: for theſe, without being propoſed, were paſſed before they were drawn up. They aſk, why either I, or any of you, Conſcript Fathers, ſhould

paratos habemus qui intercedant; paratos qui rempublicam religione defendant: vacui metu eſſe debemus. Quas tu mihi, inquit, interceſſiones, quas religiones nominas? eas ſcilicet, quibus reipublicæ ſalus continetur. Negligimus iſta, & nimis antiqua, & ſtulta ducimus. Forum ſepietur: omnes claudentur aditus: armati in præſidiis multis locis collocabuntur: quid tum? quod erit ita geſtum, id lex erit? & in æs incidi jubebitis? cedo, illa legitima; (23.) CONSULES POPULUM JURE ROGAVERUNT (hoc enim à majoribus accepimus jus rogandi) POPULUSQUE JURE SCIVIT: qui populus? iſne qui excluſus eſt? quo jure? an eo, quod vi & armis omne ſublatum eſt? Atque hæc dico de futuris: quod eſt amicorum, ante dicere ea, quæ vitari poſſunt: quæ ſi facta non erunt, refelletur oratio mea. Loquor de legibus promulgatis, de quibus eſt integrum vobis: demonſtro vitia; tollite: denuncio vim, arma; removete.

XI. Iraſci vos quidem mihi, Dolabella, pro republica dicenti non oportebit; quanquam te quidem id facturum non arbitror: novi enim facilitatem tuam. Collegam tuum aiunt in hac ſua fortuna, quæ bona ipſi videtur: mihi, ne gravius quippam dicam, (24.) avorum & avunculi ſui Conſulatum ſi imitaretur, fortunatior videretur: ſed eum iracundum audio eſſe factum. Video autem, quam ſit odioſum habere iratum eundem & armatum, cùm tanta præſertim gladiorum ſit impunitas: ſed proponam jus, ut opinor, æquum; quod M. Antonium non arbitror repudiaturum. Ego, ſi quid in vitam ejus aut in mores cum contumelia dixero, quo minus mihi inimiciſſimus ſit, non recuſabo; ſin conſuetudinem meam, [quam ſemper in republica habui] tenuero, id eſt, ſi libere, quæ ſentiam, de republica dixero, primum deprecor, ne iraſcatur: deinde, ſi hoc non impetro, peto, ut ſic iraſcatur, ut civi: armis utâtur, ſi ita neceſſe eſt, ut dicit, ſui defendendi cauſa: iis qui pro republ. quæ ipſis viſa erunt, dixerint, iſta arma ne noceant. Quid hac poſtulatione dici poteſt æquius? Quod ſi, ut à quibuſdam mihi ejus familiaribus dictum eſt, omnis eum, quæ habetur contra voluntatem ejus, oratio graviter offendit, etiamſi nulla ineſt contumelia, feremus amici naturam: ſed iidem illi ita mecum: Non idem tibi adverſario Cæſaris licebit, quod Piſoni ſocero: & ſimul admonent quiddam, quod cavebimus;

NOTES.

(23.) *Conſules populum jure rogaverunt.*] Theſe words appear to have been the preamble to all the bills which the Roman people paſſed.

(24.) *Avorum & avunculi ſui Conſulatum ſi imitaretur.*] M. Antony, the celebrated orator was his grand-father, who fell a victim to Marius's cruelty: and the uncle here meant was L. Cæſar, who had been conſul with C. Figulus; he was a perſon of great integrity, and well affected to the ſtate.

be afraid of bad laws, while we have virtuous tribunes of the people? We have, ſay they, thoſe who will interpoſe; thoſe who by oath are ready to defend the ſtate, therefore we ought to lay aſide fear. But what interceſſions, what rites, ſays he, do you tell me of? why, thoſe on which the ſafety of our conſtitution depends. Theſe, ſays he, I deſpiſe, and look upon as antiquated and ridiculous. The forum ſhall be ſurrounded: all the avenues to it ſhut up; and armed men placed in ſeveral places, as guards. What then! Whatever is thus carried on ſhall be law, and you ſhall ſee it engraved on braſs. Suppoſing the following legal form of words to be inſerted, *the conſuls in form require the conſent of the people*; for the right of requiring ſuch conſent we have received from our anceſtors, *and the people in form conſented*. What people? they who are excluded. By what right? is it by that, which is totally aboliſhed by force and arms? And this I ſpeak, becauſe it may poſſibly happen; as it is the part of a friend to mention beforehand what may be avoided: if the things do not happen, then my ſpeech will be confuted. I ſpeak of the laws that are propoſed, which it is yet in your power to prevent paſſing. I point out faults, amend them; I ſpeak of force and arms, remove them.

SECT. XI. You muſt not be angry with me, Dolabella, for ſpeaking in my country's cauſe; tho' indeed I do not think you will, for I know your good-nature. They tell me that your collegue in this his good fortune, as he thinks it, tho' to me, not to make uſe of a harſher expreſſion, he would appear more fortunate, were he to imitate the conſulate of his uncle and anceſtors; but they tell me that he is angry. I am ſenſible how undeſirable a thing it is, that a man ſhould at once be incenſed and armed, eſpecially as the ſword can now act with impunity. But I will propoſe what appears to me juſt and reaſonable; and this, I imagine, Antony will not reject. If I reflect upon his life or character, let him become my greateſt enemy; but if I ſpeak my ſentiments freely, in regard to public affairs, as I have always done, I beg, in the firſt place, that he would not be angry; in the next, if he is, that he would ſhew ſuch reſentment as becomes one citizen to another. Let him uſe arms, if they are neceſſary for the defence of his perſon, as he ſays they are; but let not theſe arms injure thoſe who ſpeak what they think neceſſary for the good of the ſtate. What can be more equitable than this requeſt? but if, as I am informed by ſome of his acquaintance, every ſpeech that oppoſes his pleaſure, tho' free from abuſe, offends him greatly, we muſt bear with the humour of a friend. The ſame perſons tell me, however, that the ſame liberty will not be allowed to me, who am the enemy of Cæſar, that was allowed to Piſo, his father-in-law. They likewiſe admoniſh me of

bimus: nec erit juſtior, P. C. in Senatum non veniendi morbi cauſa, quam mortis.

XII. Sed per deos immortales! te enim intuens, Dolabella, qui es mihi cariſſimus, (25.) non poſſum de utriuſque veſtrûm errore reticere. Credo enim vos homines nobiles, magna quædam ſpectantes, non pecuniam, ut quidam nimis creduli ſuſpicantur, quæ ſemper ab ampliſſimo quoque clariſſimoque contempta eſt; non opes violentas, & populo Romano minime ferendam potentiam, ſed caritatem civium, & gloriam concupiſſe; eſt autem gloria laus recte factorum, magnorumque in rempublicam meritorum, quæ cùm optimi cujuſque, tum etiam multitudinis teſtimonio comprobatur. Dicerem, Dolabella, qui recte factorum fructus eſſet, niſi te præter cæteros pauliſper eſſe expertum viderem. Quem potes recordari in vita tibi illuxiſſe diem lætiorem, quam cum, (26.) expiato Foro, diſſipato concurſu impiorum, principibus ſceleris pœna affectis, urbe incendio & cædis metu liberata, te domum recepiſti? cujus ordinis, cujus generis, cujus denique fortunæ ſtudia tum laudi, & gratulationi tuæ non obtulerunt? Quin mihi etiam, quo auctore te in iis rebus uti arbitrabantur, & gratias boni viri agebant, & tuo nomine gratulabantur. Recordare, quæſo, Dolabella, conſenſum illum theatri, cum omnes earum rerum obliti, (27.) propter quas tibi fuerant offenſi, ſignificarunt ſe beneficio novo memoriam veteris doloris abjeciſſe. Hanc tu, P. Dolabella, (magno loquor cum dolore) hanc tu, inquam, (28.) potuiſti æquo animo tantam dignitatem deponere?

XIII. Tu autem, M. Antoni (abſentem enim appello) (29.) unum illum diem, quo in æde Telluris Senatus fuit, non omnibus iis menſibus,

NOTES.

(25.) *Non poſſum de utriuſque veſtrum errore reticere,*] Our orator's addreſs to Antony and Dolabella is extremely pathetic, and contains ſome noble and exalted ſentiments. The path to true glory is ſo clearly pointed out, together with the ſubſtantial ſatisfactions ariſing from the purſuit of it, that one is apt, at firſt, to wonder how it could fail to produce ſome good effect. But a little reflection on human life and characters will be ſufficient to convince us that the dictates of reaſon, and the ſoundeſt maxims of philoſophy, even when dreſſed out in the brighteſt colours of eloquence, make but ſlight impreſſions upon a mind under the habitual influence of ambition and vitious prejudices.

(26.) *Expiato foro.*] This refers to the demolition of the pillar mentioned above, which was matter of ſo great joy to the city, that the whole body of the people attended Dolabella to his houſe, and in the theatres gave him the uſual teſtimony of their thanks, by the loudeſt Acclamations.

(27.) *Propter quas tibi fuerant offenſi.*] In the year of Rome 706, Dolabella had, by the fiction of an adoption into a plebeian family, obtained the tribunate, and raiſed great tumults and diſorders in Rome, by a law, which he publiſhed, to expunge all debts. This was a ſource of no ſmall affliction to his father-in-law Cicero, who complains heavily of it, in many of his letters to Atticus.

(28.)

ſomething, which I ſhall guard againſt; nor ſhall ſickneſs, Conſcript Fathers, be a better excuſe for not attending this houſe, than death.

SECT. XII. But, by the Immortal Gods, while I behold you, Dolabella, for whom I have the tendereſt regard, I cannot forbear mentioning the errors of you both. For I take you to be men of noble and exalted views, whoſe aim, as ſome who are too credulous ſuſpect, is not money, which the great and illuſtrious always deſpiſe, nor a formidable intereſt, nor power intolerable to Rome; but the love of your fellow-citizens, and glory. Now true glory is the praiſe attending virtuous actions, and eminent ſervices performed for our country, confirmed by the voice of every good man, and by that of the public. I would here, Dolabella, mention the fruits of virtuous actions, did I not know that you have taſted a few of them. Can you recollect that any day of your life has given you greater pleaſure than that, on which you retired to your own houſe, after having expiated the forum, ſcattered the aſſembly of the wicked, puniſhed the ringleaders of iniquity, and delivered the city from all apprehenſions of flames and ſlaughter? What rank, what condition, what ſtation did not, with the warmeſt zeal, applaud and congratulate you? Even I, by whoſe advice theſe actions were thought to have been performed, received the thanks of the worthy upon that occaſion, and was complimented on your ſucceſs. Call to mind, I beſeech you, Dolabella, that applauſe of the theatre, when all men, forgetting what you had done to offend them, declared that your late ſervices had made them forgive your paſt conduct. Can you, Dolabella, (with deep concern I ſpeak it) can you, I ſay, patiently relinquiſh ſuch diſtinguiſh'd honour?

SECT. XIII. And do not you, Mark Antony (for I ſpeak to you tho' abſent) prefer that one day, when the ſenate met in the temple of Tellus, to all thoſe months, during which, ſome who think

NOTES.

(28.) *Animo æquo potuiſti tantam dignitatem deponere?*] Dolabella having been long oppreſſed with the load of his debts, which he had contracted by a life of pleaſure and expence, was drawn entirely from Cicero and the republican party, into Antony's meaſures, by a large ſum of money, and the promiſe of a ſhare in the plunder of the empire. He left Rome before the expiration of his conſulſhip, to take poſſeſſion of Syria, which had been allotted to him by Antony's management; and upon the news of his putting Trebonius to death, was declared a public enemy, and his eſtate confiſcated. He killed himſelf at laſt, at Laodicea, to prevent his falling alive into the hands of Caſſius, and ſuffering the ſame treatment which he had ſhewn to Trebonius.

(29.) *Unum illum diem.*] The third, to wit, after Cæſar's death, when Antony ſummoned the ſenate, to adjuſt the conditions of peace, and confirm them by ſome ſolemn act.

menſibus, quibus te quidam, multum à me diſſentientes, beatùm putant anteponis? quæ fuit oratio de concordia? quanto metu veterani, quanta ſolicitudine civitas tum à te liberata eſt? Tuum collegam, (30.) depoſitis inimicitiis, oblitus auſpicia, teipſo augure nunciante, illo primum die collegam tibi eſſe voluiſti: reip. tuus parvulus filius in Capitolium à te miſſus pacis obſes fuit: quo Senatus die lætior? quo populus Romanus? qui quidem nulla in concione unquam frequentior fuit: denique liberati per viros fortiſſimos videbamur: quia, ut illi voluerant, libertatem pax conſequebatur. Proximo, altero, reliquis conſecutis diebus non intermittebas quaſi donum aliquod quotidie adferre reipublicæ: maximum autem illud, quod Dictaturæ nomen ſuſtuliſti; hæc inuſta eſt à te, à te, inquam, mortuo Cæſari nota ad ignominiam ſempiternam. Ut enim (31.) propter unius M. Manlii ſcelus, decreto gentis Manliæ, neminem patricium M. Manlium vocari licet: ſic tu propter unius Dictatoris odium, nomen Dictatoris funditus ſuſtuliſti. Num hujuſce, cum pro ſalute reipublicæ tanta geſſiſſes, fortunæ te, num amplitudinis, num claritatis, num gloriæ pœnitebat? Unde igitur ſubito tanta iſta mutatio? non poſſum adduci, ut ſuſpicer te pecunia captum: licet, quod cuique libet, loquatur; credere non eſt neceſſe; nihil enim unquam in te ſordidum, nihil humile cognovi: (32.) quanquam ſolent domeſtici depravare nonnunquam: ſed novi firmitatem tuam; atque utinam ut culpam, ſic etiam ſuſpicionem vitare potuiſſes!

XIV. Illud magis vereor, ne ignorans verum iter gloriæ, glorioſum putes, plus te unum poſſe quam omnes, & metui à civibus tuis, quam diligi malis. Quod ſi ita putas, totam ignoras viam gloriæ. Carum eſſe civem, bene de republica mereri, laudari, coli, diligi, glorioſum eſt; metui vero, & in odio eſſe, invidioſum, deteſtabile, imbecillum, caducum. (33.) Quod videmus etiam in fabula, ipſi illi, qui *oderint dum metuant* dixerit, pernicioſum fuiſſe. Utinam, Antoni, avum tuum meminiſſes: de quo tamen multa audiſti ex me, eaque ſæpiſſime. Putaſne illum immortalitatem mereri voluiſſe, ut propter armorum habendorum licentiam metueretur? illa erat vita, illa ſecunda fortuna, libertate eſſe parem cæteris, principem dignitate. Itaque, ut omittam res avi tui proſperas, acerbiſſimum ejus diem ſupremum malim, quam L. Cinnæ dominatum, à quo ille crude-

NOTES.

(30.) *Depoſitis inimicitiis, oblitus auſpiciorum.*] Antony had been jealous of Dolabella, as a rival in Cæſar's favour; and when Cæſar promiſed to reſign the conſulſhip to Dolabella, before he went to the Parthian war, Antony proteſted, that by his authority as augur, he would diſturb that election, whenever it ſhould be attempted.

(31.) *Propter unius M. Manlii ſcelus.*] This was the Manlius who had ſo bravely defended the capitol when beſieged by the Gauls; but being ſuſpected of affecting regal authority, was afterwards thrown off the Tarpeian rock into the Tyber.

(32.) *Quanquam ſolent domeſtici depravare nonnunquam.*] Cicero here hints at the avarice of Fulvia, Antony's wife.

(33.) *Quod videmus etiam in fabulis, &c.*] A ſaying frequently made uſe of by Accius the poet, in his tragedy of Atreus.

very differently from me, deem you happy? what a ſpeech you then made about concord? from what apprehenſions did you then deliver the veterans, and from what anxiety the city? On that day, laying aſide reſentment, forgetting the auſpices, and acting yourſelf as augur, you firſt conſented that your colleague ſhould be your colleague. Your little ſon, delivered by your own hands into the capitol, was the pledge of peace. Was there ever a day of greater joy to the ſenate? of greater joy to the people of Rome? Was there ever a fuller aſſembly than that? it was then we ſeemed delivered by the braveſt of men, becauſe, as they intended, peace followed our deliverance. The next, the following, the third, and ſome ſubſequent days, you never failed to make ſome preſent, as it were, to your country: but the greateſt of all was your aboliſhing the dictatorſhip. This was an indelible infamy fixed by you, by you I ſay, on the memory of Cæſar. For, as on account of the treaſon of one perſon, named Marcus Manlius, by a decree of the Manlian family, no patrician can bear that name; ſo you, on account of your deteſtation of one dictator, have utterly aboliſhed the name. When you had done ſuch great things for your country, was you diſſatisfied with the fortune, the dignity, the renown, the glory you had acquired? whence then this great and ſudden change? I can never ſuſpect that you are influenced by money. Let every man ſpeak as he pleaſes; there is no neceſſity to believe him: but I never knew you guilty of any thing that was mean or dirty. Domeſtics, indeed, are wont ſometimes to corrupt their maſters; but I know your firmneſs; and I wiſh you would be as free from ſuſpicion as you are from guilt.

SECT. XIV. I am more afraid of this, leſt, miſtaking the true path to glory, you ſhould think it glorious to be more powerful yourſelf, than all men beſides; and chuſe rather to be feared, than loved by your fellow-citizens. But if theſe are your ſentiments, you wholly miſtake the road to glory. To be dear to our countrymen, to deſerve well of the ſtate, to be praiſed, reſpected, and beloved, is truly glorious; but to be dreaded, and held in abhorrence, is odious, deteſtable, weak and tranſient. We find even in the play, that to the man who ſaid, *let them hate while they fear*, the maxim proved fatal. I wiſh, Antony, you would call to mind your grandfather, of whom you have heard me make ſuch frequent mention. Do you think that he would have been deſirous of purchaſing immortality, at the expence of being the dreaded maſter of lawleſs arms? This was his life, his proſperity this, in liberty to be equal, in dignity ſuperior to others. To omit, therefore, the proſperous circumſtances of your grandfather's life, I would chuſe his latter end, violent as it was, rather than Cinna's lawleſs power, by whom he was

moſt

crudeliſſime eſt interfectus. Sed quid oratione te flectam? ſi enim exitus C. Cæſaris efficere non poteſt, ut malis carus eſſe, quam metui, nihil cujuſquam proficiet, nec valebit oratio; quem qui beatum fuiſſe putant, miſerrimi ipſi ſunt. Beatus eſt nemo, qui ea lege vivit, ut non modo impune, ſed etiam cum ſumma interfectoris gloria, interfici poſſit. Quare flecte te, quæſo, & majores tuos reſpice, atque ita guberna rempublicam, ut natum te eſſe cives tui gaudeant: ſine quo nec beatus, nec clarus quiſquam eſſe poteſt.

XV. Et (34.) populi quidem Romani judicia multa ambo habetis, quibus vos non ſatis moveri permoleſte fero. Quid enim gladiatoribus clamores innumerabilium civium? quid populi concurſus? quid Pompeii ſtatuæ plauſus infiniti? (35.) quid duobus tribunis plebis qui vobis adverſantur? parum-ne hæc ſignificant incredibiliter conſentientem populi Romani univerſi voluntatem? (36.) Quid? Apollinaribus ludis plauſus, vel teſtimonia potius, & judicia populi Romani vobis parva eſſe videbantur? O beatos illos, qui, cum adeſſe ipſis propter vim armorum non licebat, aderant tamen, & in medullis populi Romani ac viſceribus hærebant! niſi forte Accio tum plaudi, & ſexageſimo poſt anno palmam dari putabatis, non Bruto; qui ſuis ludis ita caruit, ut in illo apparatiſſimo ſpectaculo ſtudium populus Romanus tribuerit abſenti, deſiderium liberatoris ſui perpetuo plauſu & clamore lenierit. Equidem is ſum, qui iſtos plauſus, cum à popularibus civibus tribuerentur, ſemper contempſerim: idemque cum à ſummis, mediis, infimis, cum denique ab univerſis hoc idem fit; cumque ii, qui ante ſequi populi conſenſum ſolebant, fugiunt; non plauſum illum, ſed judicium puto. Sin hæc leviora vobis videntur, quæ ſunt graviſſima, num etiam hoc contemnitis, quod ſenſiſtis (37.) tam caram populo Romano vitam A. Hirtii fuiſſe? ſatis enim erat, probatum illum eſſe populo Romano, ut eſt: jucundum amicis, in quo vincit omnes: carum ſuis, quibus eſt

NOTES.

(34.) *Populi quidem Romani judicia multa ambo habetis.*] The violences committed at Rome after Cæſar's death, were not owing to the general indignation of the citizens, againſt the murderers of Cæſar; no, the memory of the tyrant was odious, and Brutus and Caſſius the real favourites of the city, as appeared on all occaſions, wherever their free and genuine ſenſe could be declared; particularly from their acclamations at the ſhews of gladiators exhibited by Brutus, and the repairing of Pompey's ſtatue, which had been thrown down in the civil wars.

(35.) *Quid duobus tribunis plebis.*] Theſe two tribunes were Tiberius Canutius and Nonius Aſpernas; the latter of whom oppoſed Dolabella in his ſuit for the province of Syria; and the former ſet up Octavius, in oppoſition to Antony.

(36.) *Quid Apollinaribus ludis plauſus.*] Brutus and Caſſius were obliged as prætors to exhibit certain games in honour of Apollo, with which the public were annually entertained on the third of July: but, as they had withdrawn themſelves from Rome, theſe games were conducted by the brother of Caſſius.

(37.) *Tam caram populo Romano vitam A. Hirtii fuiſſe.*] Hirtius was then conſul elect, and happening to fall ſick, the Roman people

moſt inhumanly murdered. But why do I endeavour to move you by words? If Cæſar's fate is not a warning to you, how much better it is to be loved than feared, no man's ſpeeches will avail any thing. As for thoſe who imagine that Cæſar was happy, they are themſelves moſt miſerable. No man can be happy, who holds life on ſuch terms, that it may be taken from him, not only with impunity, but with praiſe. Relent, therefore, I beſeech you; look back on your anceſtors; and ſo govern the ſtate, that your fellow-citizens may bleſs the day that gave you birth; without which no man can be happy or glorious.

SECT. XV. Both of you have had many proofs of the ſentiments of the people of Rome, which I am ſorry to ſee you not ſufficiently affected with. For what elſe were the ſhouts of innumerable citizens, at the ſhews of gladiators? what the concourſe of the people? what the inceſſant applauſes poured out on Pompey's ſtatue, and on the two tribunes who oppoſe you? Do not theſe things ſufficiently declare the incredible unanimity of the whole Roman people? What! did the ſhouts, or rather the teſtimony and judgment of the Romans, at the games of Apollo, ſeem little in your eyes? Happy thoſe, who when they could not be preſent in perſon, on account of an armed force, were nevertheleſs preſent, and clung to the very marrow and bowels of the Roman people! unleſs, perhaps, you think that the applauſe and the palm was conferred on Accius, ſixty years after his death, and not on Brutus; who, tho' not perſonally preſent at his own ſhews, yet in that moſt magnificent entertainment, received the moſt affectionate wiſhes of the Roman people, who mitigated their ſorrow for the abſence of their deliverer by uninterrupted applauſes and acclamations. I indeed am one of thoſe, who have ever deſpiſed theſe acclamations, when beſtowed by the populace, but when they are beſtowed by the higheſt, the middlemoſt, and the loweſt ranks; in ſhort, by the whole collective body; eſpecially when thoſe who were wont to court the applauſe of the people, are forced to hide their heads; this I term not applauſe, but approbation. But if theſe things ſeem trivial to you, which are, in fact, of the higheſt importance, will you likewiſe deſpiſe the proof you had, how dear the life of A. Hirtius was to the people of Rome? It was ſufficient to him that he was approved by the Roman people, as he ſtill is agreeable to his friends, in which reſpect he exceeds all men; dear to his own family, to whom he is ſo in the higheſt degree:

NOTES.

ple put up vows for his recovery, as for a perſon on whom depended the ſafety of the ſtate. This was the Hirtius, who was afterwards ſlain at Modena; and whoſe death, joined with that of his collegue, is thought to have been of ſuch fatal conſequence to Rome.

eſt ipſe cariſſimus: tantam tamen ſolicitudinem bonorum, tantum timorem omnium in quo meminimus? certe in nullo. Quid igitur? hoc vos, per deos immortales, quale ſit, non interpretamini? quid eos de veſtra vita cogitare cenſetis, quibus eorum, quos ſperant reipublicæ conſulturos, vita tam cara ſit? Cepi fructum, P. C. reverſionis meæ: quoniam ea & dixi, ut, quicunque caſus conſecutus eſſet, exſtaret conſtantiæ meæ teſtimonium: & ſum à vobis benigne ac diligenter auditus. Quæ poteſtas ſi mihi ſæpius ſine meo veſtroque periculo fiet, utar: ſi minus, quantum potero, non tam mihi me, quam reipublicæ reſervabo. Mihi fere ſatis eſt, quod vixi, vel ad ætatem, vel ad gloriam: huc ſi quid acceſſerit, non tam mihi quam vobis, reique publicæ acceſſerit.

degree: but when have we known the anxiety of good men, and the concern of all, ſo great as they have been for him? never ſurely. How then, Immortal Gods, are you at a loſs what conſtruction to put upon this? What do you imagine they think of your lives, to whom the lives of thoſe are ſo dear, who, they flatter themſelves, will conſult the intereſts of their country? I have now, Conſcript Fathers, reaped the full fruit of my return; as I have now ſaid what muſt in all events be a proof of my conſtancy, and have been favourably and attentively heard by you: an indulgence which I ſhall often uſe, if I can do it with ſafety to myſelf, and you; if not, I ſhall reſerve myſelf, as well as I can, not ſo much for my own ſake, as for that of the republic. I have lived almoſt enough, either for nature or for glory; if any addition is made to either, the advantage ſhall not be ſo much mine, as yours and my country's.

ORATIO XVI.

In M. ANTONIUM PHILIPPICARUM *.

PHILIPPICA SECUNDA.

I. QUONAM meo fato, P. C. fieri dicam, (1.) ut nemo his annis viginti reipublicæ hoſtis fuerit, qui non bellum eodem tempore mihi quoque indixerit? Nec vero neceſſe eſt à me quenquam nominari vobis, cum ipſi recordamini; mihi pœnarum illi plus, quam optarem, dederunt. Te miror, Antoni, quorum facta imiterc, eorum exitus non perhorreſcere. Atque hoc in aliis minus mirabar; nemo illorum inimicus mihi fuit voluntarius: omnes à me republicæ cauſa laceſſiti; tu, ne verbo quidem violatus, ut audacior quam L. Catilina, furioſior quam P. Clodius viderere, ultro maledictis me laceſſiſti; tuamque à me alienationem commendationem tibi ad cives impios fore putaviſti. Quid putem? contemptum-ne me? non video nec in vita, nec in gratia, nec in rebus geſtis, nec in hac mea mediocritate ingenii, quid deſpicere poſſit Antonius. An in Senatu facillime de me detrahi poſſe credidit? qui ordo clariſſimis civibus bene geſtæ reipublicæ teſtimonium multis, mihi uni conſervatæ dedit. An decertare mecum voluit contentione dicendi? hoc quidem beneficium eſt; quid enim plenius, quid uberius, quam mihi & pro me, & contra Antonium dicere? Illud

NOTES.

* Antony, being highly exaſperated at the preceding ſpeech, ſummoned another meeting of the ſenate, where he again required Cicero's attendance; being reſolved to anſwer him in perſon, and juſtify his own conduct. The ſenate met on the appointed day, in the temple of Concord, whither Antony came with a ſtrong guard, and in great expectation of meeting Cicero, whom he had endeavoured by artifice to draw thither; but though Cicero himſelf was ready, and deſirous to go, yet his friends over-ruled and kept him at home, being apprehenſive of ſome deſign intended againſt his life. Antony's ſpeech confirmed their apprehenſions, in which he poured out the overflowings of his ſpleen with ſuch fury againſt him, that Cicero, alluding to what he had done a little before in public, ſays, that he ſeemed once more rather to ſp—w, than to ſpeak. As a breach with Antony was now inevitable, Cicero thought it neceſſary for his ſecurity, to remove to ſome of his villas, near Naples; where he compoſed this oration, by way of reply to Antony; not delivered in the ſenate, as the tenor of it ſeems to imply, but finiſhed in the country; nor intended to be publiſhed till things were actually come to an

ORATION XVI.

The Second againſt M. ANTONY.

SECT. I. BY what ſingular fate of mine, Conſcript Fathers, ſhall I ſay it comes to paſs, that for theſe twenty years, there has not been an enemy to the public, who has not at the ſame time declared war alſo againſt me? It is unneceſſary for me to mention their names, ſince you yourſelves can ſo eaſily recollect them. Their puniſhment has been more grievous than I could have wiſhed. I am ſurpriſed, Antony, that you do not dread their fate, as you imitate their conduct. This in others, however, I leſs wondered at; for not one of them choſe to be my enemy; all of them were attacked by me for the ſake of the ſtate. But you, without even the provocation of words, that you may appear more audacious than Catiline, and more furious than Clodius, have, of your own accord, fallen upon me with your calumnies; and thought a breaking with me would be a recommendation to profligate citizens. What am I to think of this? that I am deſpiſed? I ſee nothing in my life, nor in my reputation, nor in my actions, nor in my capacity, ſmall as it is, that Antony can deſpiſe. Did he imagine the ſenate was the propereſt place for making a ſucceſsful attack upon my character? an aſſembly, which has conferred on many illuſtrious citizens the praiſe of having done great things for the ſtate, but on me alone that of having ſaved it. Had he a mind to contend with me in eloquence? this is, indeed, doing me a kindneſs: for what more copious, what more fertile ſubject can I have than that of ſpeaking

NOTES.

an extremity, and the occaſions of the republic made it neceſſary to render Antony's character and deſigns as odious as poſſible to the people. It is a moſt bitter invective on his whole life, deſcribing it as a perpetual ſcene of lewdneſs, faction, violence and rapine, heightened with all the colours of wit and eloquence; and ſhews, that in the decline of life, Cicero had loſt no ſhare of that fire and ſpirit, with which his earlier productions are animated.

(1.) *Ut nemo his annis viginti.*] viz. ever ſince his conſulſhip, during all which time he had been continually haraſſed with the Clodian and Catilinarian factions.

4

Illud profecto eſt; non exiſtimavit ſui ſimilibus probari poſſe, ſe eſſe hoſtem patriæ, niſi mihi eſſet inimicus. Cui prius quam de cæteris rebus reſpondeo, de Amicitia, quam à me violatam eſſe criminatus eſt, quod ego graviſſimum crimen judico, pauca dicam.

II. Contra rem ſuam me, neſcio quando, veniſſe queſtus eſt. (2.) An ego non venirem contra alienum pro familiari & neceſſario meo? non venirem contra gratiam, non virtutis ſpe, ſed ætatis flore collectam? non venirem contra injuriam, quam iſte interceſſoris nequiſſimi beneficio obtinuit, non jure Prætorio? Sed hoc idcirco commemoratum à te puto, ut te infimo ordini commendares; cum omnes te recordarentur libertini generum, & liberos tuos, nepotes Q. Fadii, libertini hominis, fuiſſe. At enim te in diſciplinam meam tradideras: (nam ita dixiſti) domum meam ventitaras: næ tu, ſi id feciſſes, melius famæ, melius pudicitiæ tuæ conſuluiſſes: ſed nec feciſti, nec ſi cuperes, tibi id (3.) per C. Curionem facere licuiſſet. Auguratûs petitionem mihi te conceſſiſſe dixiſti. O incredibilem audaciam! ô impudentiam prædicandam! Quo enim tempore me augurem (4.) à toto collegio expetitum Cn. Pompeius & Q. Hortenſius nominaverunt (neque enim licebat à pluribus nominari) nec tu ſolvendo eras, nec te ullo modo, niſi everſa republica, incolumem fore putabas. Poteras autem eo tempore auguratum petere, cum in Italia Curio non eſſet? aut tum, cum es factus, unam tribum ſine Curione ferre potuiſſes? cujus etiam familiares de vi condemnati ſunt, quod tui nimis ſtudioſi fuiſſent.

III. At beneficio ſum uſus tuo; quo? quanquam illud ipſum, quod commemoras, ſemper præ me tuli. Malui me tibi debere confiteri, quam cuiquam minus prudenti non ſatis gratus videri; ſed

NOTES.

(2.) *An ego non venirem contra alienum pro familiari et neceſſario meo?*] Who this friend was, does not appear; but the ſtranger hinted at, was Q. Fadius Bombalio, the freedman, whoſe daughter Antony had married.

(3.) *Per C. Curionem.*] Curio was a young nobleman of ſhining parts: admirably formed by nature to adorn that character, in which his father and grandfather had flouriſhed before him, of one of the principal orators of Rome; but a natural propenſion to pleaſure, ſtimulated by the example and counſels of his perpetual companion Antony, hurried him into all the extravagance of expence and debauchery. When his father, by Cicero's advice, obliged him to quit the familiarity of Antony, he reformed his conduct, and adhering to the inſtructions and maxims of Cicero, became the favourite of the city; the leader of the young nobility; and a warm aſſertor of the authority of the ſenate, againſt the power of the Triumvirate. After his father's death, upon his firſt taſte of public honors, and admiſſion into the ſenate, his ambition and thirſt of popularity engaged him in ſo immenſe a prodigality, that to ſupply the magnificence of his ſhews and plays, with which he entertained the city, he was ſoon driven to the neceſſity of ſelling himſelf to Cæſar, and fell the firſt victim in the civil war.

(4.) *A toto collegio expetitum Cn. Pompeius & Q. Hortenſius nominaverunt.*] The prieſts of all kinds were originally choſen at Rome by their colleges, till Domitius, a tribune, transferred the choice of them to the people,

for myſelf, and againſt Antony? This is certainly his deſign; he thought, that to men of his own ſtamp he could not approve himſelf a foe to his country, unleſs he became my enemy. Before I reply to other matters, I ſhall touch briefly on our friendſhip, which he charges me with violating; an accuſation, in my opinion, of the blackeſt nature.

SECT. II. He complains that I appeared, I know not when, againſt his intereſt. Ought I not to have appeared againſt a ſtranger, in favour of my friend and kinſman? ought I not to have appeared againſt a power, acquired not by any hopes of virtue, but at the expence of youthful bloom? Ought I not to have appeared againſt an injury committed thro' the partiality of an infamous tribune, and not the deciſion of the prætor? But this, I fancy, you mentioned, in order to recommend yourſelf to the loweſt rank of the people, it being well known to all, that you yourſelf are ſon-in-law to a man who had been a ſlave, and that your children are the grandchildren of Q. Fadius, who had been a ſlave. But you had put yourſelf under my direction, (for that was your expreſſion) you frequented my houſe. Had you done that, indeed, your reputation and your morals had been more free from blemiſh. But you neither did it, nor had you been inclined, would Curio have permitted you. You alledged that you quitted your pretenſions to the augurſhip, in my favour. Incredible aſſurance! aſtoniſhing impudence! at the time when Cn. Pompey, and Q. Hortenſius nominated me augur, (for two only could do it) at the requeſt of the whole college, you was not able to pay your debts, nor had you any hopes of ſafety but in the ſubverſion of the commonwealth. But could you ſtand for the augurſhip when Curio was not in Italy? or, when created augur, could you have carried a ſingle tribe, had it not been for Curio? and even his friends were convicted of violence, becauſe they were too zealous in your cauſe.

SECT. III. But I have been obliged to you; how obliged to you? Tho' I have been always ready to acknowledge that very circumſtance, which you mention as an obligation; chuſing rather to confeſs myſelf obliged to you, than appear ungrateful to any unthinking

NOTES.

ple, whoſe authority was held to be ſupreme in ſacred, as well as civil affairs. This act was reverſed by Sylla, and the ancient right reſtored to the colleges; but Labienus, when tribune, in Cicero's conſulſhip, recalled the law of Domitius, to facilitate Cæſar's advancement to the high-prieſthood: it was neceſſary however, that every candidate ſhould be nominated to the people by two augurs, who gave a ſolemn teſtimony upon oath of his dignity and fitneſs for the office: this was done in Cicero's caſe by Pompey and Hortenſius, the two moſt eminent members of the college; and after the election, he was inſtalled with all the uſual formalities by Hortenſius.

ſed quo beneficio? quod me Brunduſii non occideris? quem ipſe victor, qui tibi, ut tute gloriari ſolebas (5.) detulerat ex latronibus ſuis principatum, ſalvum eſſe voluiſſet, in Italiam ire juſſiſſet, cum tu occideres? fac potuiſſe; quod eſt aliud, P. C. beneficium latronum, niſi ut commemorare poſſint, iis ſe vitam dediſſe, quibus non ademerint? Quod ſi eſſet beneficium, nunquam ii, qui illum interfecerunt, à quo erant ſervati, quos tu ipſe viros clariſſimos appellare ſoles, tantam eſſent gloriam conſecuti. Quale autem beneficium eſt, quod te abſtinueris nefario ſcelere? qua in re non tam jucundum videri mihi debuit, non interfectum à te, quam miſerum, id te impune facere potuiſſe. Sed ſit beneficium, quandoquidem majus accipi à latrone nullum potuit: in quo potes me dicere ingratum? an de interitu reipublicæ queri non debui, ne in te ingratus viderer? At in illa querela miſera quidem & luctuoſa, ſed mihi pro hoc gradu, in quo me Senatus populuſque Romanus collocavit, neceſſaria, quid eſt dictum à me cum contumelia? quid non moderate? quid non amice? quod quidem cujus temperantiæ fuit, de M. Antonio querentem, abſtinere maledicto? (6.) præſertim cum tu reliquias reipublicæ diſſipaviſſes? cum domi tuæ turpiſſimo mercatu omnia eſſent venalia? cum leges eas, quæ nunquam promulgatæ eſſent, & de te, & à te latas confiterere? cum auſpicia augur, interceſſionem Conſul ſuſtuliſſes? cum eſſes fœdiſſime ſtipatus armatis? cum omnes impuritates pudica in domo quotidie ſuſciperes, vino luſtriſque confectus? At ego, tanquam mihi cum M. Craſſo contentio eſſet, quocum multæ & magnæ fuerunt, non cum uno gladiatore nequiſſimo, de rep. graviter querens, de homine nihil dixi. Itaque, hodie perficiam, ut intelligat quantum à me beneficium tum acceperit.

IV. At etiam literas, quas me ſibi miſiſſe diceret, recitavit, homo & humanitatis expers, & vitæ communis ignarus. Quis enim unquam, qui paululum modo bonorum conſuetudinem noſſet, literas ad ſe ab amico miſſas, offenſione aliqua interpoſita, in medium protulit, palamque recitavit? Quid eſt aliud, tollere è vita vitæ ſocietatem, quàm tollere amicorum colloquia abſentium? quàm multa joca ſolent eſſe in epiſtolis, quæ prolata ſi ſint, inepta eſſe videantur?

NOTES.

(5.) *Detulerat ex latronibus ſuis principatum.*] What Cicero here ſays, is equally ſevere both upon Cæſar and upon Antony; for he inſinuates, that that war was more properly a robbery than a lawful war.

(6.) *Præſertim cum tu reliquias reipublicæ diſſipaviſſes.*] By *reliquias reipublicæ* is here probably meant the public money laid up in the temple of Ops, which Antony claimed to himſelf, and made ſubſervient to the purpoſes of his ambition; or the four thouſand talents may be referred to, which Antony got from Calphurnia, Cæſar's wife.

thinking perſon. But what was this obligation? that you did not murder me at Brunduſium? What! would you have murdered a man, preſerved and reſtored to Italy by order of that very conqueror, who, as you yourſelf were wont to boaſt, had created you chief of his banditti? Admitting you could have done this; what elſe is it, Conſcript Fathers, but the favour of robbers, whoſe language it is, that they ſave the lives of thoſe they do not murder? If there were really any merit in this, thoſe, whom you uſed to call the moſt illuſtrious of mankind, and who killed their preſerver, never could have acquired ſo great glory. But what is the merit of abſtaining from the commiſſion of a moſt atrocious crime? in which caſe it ought not to have been ſo agreeable to me, that I was ſpared by you, as grievous, that you had it in your power to have murdered me with impunity. But allowing it to be a favour, ſince no greater can be received at the hands of a robber, in what reſpect can you call me ungrateful? ought I not to lament my country's ruin, leſt I ſhould appear ungrateful to you? yet in the complaint I then made, mournful and wretched as it was, tho' unavoidable by me in that ſtation, to which I had been raiſed by the ſenate and people of Rome, what was there in the leaſt abuſive? did I not ſpeak with moderation? did I not ſpeak with friendſhip? yet how great muſt be his temper, who, complaining of Antony, could abſtain from abuſe? eſpecially when you had diſſipated the remains of the ſtate? when within your houſe every thing was ſubject to the moſt infamous venality? when you confeſſed that laws, relating to yourſelf, which had never been propoſed, were paſſed by your means? when, as augur, you had aboliſhed the auſpices; and, as conſul, the interceſſion of the tribunes? when you had been ſhamefully attended by armed men? when worn out with wine and debauchery, you committed all manner of lewdneſs in a houſe remarkable for its purity? But I, as if I had been contending with M. Craſſus, with whom I have had many and ſharp conteſts, and not with a moſt infamous gladiator, whilſt I grievouſly lamented my country's ruin, omitted all perſonal reflections. To-day, therefore, I ſhall take care to make him ſenſible, how great a favour I then conferred upon him.

SECT. IV. This wretch, void of all politeneſs, and ignorant even of common decency, publicly read the letters, which he ſays I wrote to him. For who, that knows ever ſo little of what paſſes among men of honour, upon occaſion of a ſlight quarrel, ever expoſed and publicly read the letters that were ſent him by his friend? to deſtroy the intercourſe of abſent friends, what is it, but to ſtrip life of all its ſocial joys? How many jokes are there generally in letters, which, if expoſed, would appear very trifling? how many ſerious things,

deantur? quàm multa ſeria, neque tamen ullo modo divulganda? Sit hoc inhumanitatis tuæ: ſtultitiam incredibilem videte. Quid habes, quod mihi opponas, homo diſerte, (7.) ut Muſtellæ Tamiſio, & Tironi Numiſio vidêris? qui cum hoc ipſo tempore ſtent cum gladiis in conſpectu Senatûs, ego quoque te diſertum putabo, ſi oſtenderis, quo modo ſis eos inter ſicarios defenſurus. Sed quid opponas tandem, ſi negem me unquam iſtas literas ad te miſiſſe? quo me teſte convincas? an chirographo? in quo habes ſcientiam quæſtuoſam: quî poſſis? ſunt enim librarii manu. Jam invideo magiſtro tuo, qui te tanta mercede, quantam jam proferam, nihil ſapere doceat. Quid enim eſt minus non dico oratoris, ſed hominis, quam id objicere adverſario, quod ille ſi verbo negarit, longius progredi non poſſit qui objecerit? At ego non nego: teque in iſto ipſo convinco non inhumanitatis ſolum, ſed etiam amentiæ; quod enim verbum in iſtis literis eſt non plenum humanitatis, officii, benevolentiæ? Omne autem crimen tuum eſt, quod de te in his literis non male exiſtimem; quod ſcribam tanquam ad civem, tanquam ad bonum virum; non tanquam ad ſceleratum & latronem. (8.) At ego tuas literas, etſi jure poteram à te laceſſitus, tamen non proferam; quibus petis, ut tibi per me liceat quendam de exſilio reducere; adjuraſque id te, invito me, non eſſe facturum: idque à me impetras; quid enim me interponerem audaciæ tuæ, quam neque auctoritas hujus ordinis, neque exiſtimatio populi Romani, neque leges ullæ poſſent coercere? Verumtamen quid erat, quod me rogares, ſi erat is, de quo rogabas, Cæſaris lege reductus? ſed videlicet meam gratiam voluit eſſe: in quo ne ipſius quidem ulla poterat eſſe, lege lata.

V. Sed cum mihi, Patres Conſcripti, & pro me aliquid, & in M. Antonium multa dicenda ſint; alterum peto à vobis, ut me pro me dicentem benigne; alterum ipſe efficiam, ut contra illum cum dicam, attente audiatis: ſimul illud oro, ſi meam cum in omni vita, tum in dicendo moderationem modeſtiamque cognoſtis, ne me hodie, cum iſti, ut provocavit, reſpondero, oblitum eſſe putetis mei: non tractabo ut Conſulem; ne ille quidem me ut Conſularem: etſi ille nullo modo Conſul, vel quod ita vivit, vel quod ita rempublicam gerit, vel quod ita factus eſt [Conſul]; ego ſine ulla controverſia Conſularis.

NOTES.

(7.) *Ut Muſtellæ Tamiſio, & Tironi Numiſio.*] All that we know of theſe men, is, that they were ruffians employed by Antony; illiterate fellows, qualified only to execute his brutal purpoſes.

(8.) *At ego tuas literas.*] Cicero means the letters which he received from Antony, in regard to the reſtoration of Sextus Clodius. See Letters to Atticus, B. 14.

things, yet by no means to be divulged? let this ſuffice for his want of politeneſs; obſerve now his incredible ſtupidity. What have you to object to me, my man of eloquence? for ſuch you ſeem to Muſtella Tamiſius, and Tiro Numiſius, who, as they are ſtanding this very moment in the ſight of the ſenate with drawn ſwords in their hands, if you can ſhew why they are not to be ranked among aſſaſſins, I too ſhall think you eloquent. But what can you object, if I ſhould deny that I ever ſent you ſuch letters? by what evidence can you convict me? by my hand-writing? in this you have a profitable dexterity; but how can you do it? for they were written by my ſecretary. Now do I hate that tutor of yours, who, tho' he received ſuch great wages, as I ſhall preſently make appear, did not teach you the leaſt wiſdom. For what ſhews leſs, I will not ſay of an orator, but of a reaſonable being, than to object that to an adverſary, which if he ſhould deny but upon his bare word, the objector could proceed no farther? But I do not deny it; and by that very fact I convict you not only of being void of politeneſs, but of common underſtanding. For is there a word in theſe letters, that is not full of politeneſs, good manners, and benevolence? But all your pique is, that in theſe letters I did not ſhew how bad an opinion I had of you, that I wrote to you as a fellow-citizen, and a worthy man, and not as a villain and a robber. Yet I, tho' the provocation I have received from you might juſtify my doing it, will never expoſe your letters; in which you beg that I would give you leave to recal a certain perſon from baniſhment, and ſwear that you will never do it without my conſent. You obtained your requeſt; for why ſhould I oppoſe thy audacious inſolence, which neither the authority of this aſſembly, nor the majeſty of the Roman people, nor any laws can reſtrain? But, after all, why did you beg this of me, if the perſon for whom you interceded, was recalled by Cæſar's law? but he had a mind, forſooth, to compliment me; tho' as the law was paſſed, no thanks were even due to himſelf.

SECT. V. But as I have a great deal to ſay, Conſcript Fathers, both for myſelf, and againſt Antony, I muſt beg of you, that while I am ſpeaking for myſelf, you would hear me with indulgence; and when I ſpeak againſt him, I ſhall take care that you hear me with attention. I muſt further beg of you, that as you have known my moderation and decency, both in the whole tenor of my life, and the courſe of my pleadings, you would not think I forget myſelf, if I anſwer him to-day according to the provocation he has given me. I will not treat him as conſul; for he has not treated me as conſular: tho' he is in no reſpect conſul, either as to his life, his adminiſtration, or the manner in which he was created; but I, beyond all diſpute, conſular. That you may underſtand then, what

laris. Ut igitur intelligeretis, qualem ipſe ſe Conſulem profitetur, objecit mihi Conſulatum meum; qui Conſulatus, verbo meus, P. C. re veſter fuit; quid enim conſtitui, quid geſſi, quid egi, niſi ex hujus ordinis conſilio, auctoritate, ſententia? Hæc tu homo ſapiens, non ſolum eloquens, apud eos, quorum conſilio ſapientiaque geſta ſunt, auſus es vituperare? Quis autem meum Conſulatum, præter P. Clodium, qui vituperaret, inventus eſt? (9.) cujus quidem tibi fatum, ſicuti C. Curioni, manet: (10.) quoniam id domi tuæ eſt, quod fuit illorum utrique fatale. Non placet M. Antonio Conſulatus meus: at placuit P. Servilio, ut eum primum nominem ex illius temporis Conſularibus, qui proxime eſt mortuus: placuit Q. Lutatio Catulo, cujus ſemper in hac republica vivet auctoritas: placuit duobus Lucullis, M. Craſſo, Q. Hortenſio, C. Curioni, M. Lepido, C. Piſoni, M. Glabrioni, L. Volcatio, C. Figulo, D. Silano, L. Murænæ, qui tum erant Conſules deſignati: (11.) placuit idem, quod Conſularibus, M. Catoni: qui cum multa, vita excedens, providit, tum quod te Conſulem non vidit. Maxime vero Conſulatum meum Cn. Pompeius probavit: qui ut me primum decedens ex Syria vidit, complexus & gratulans, meo beneficio patriam ſe viſurum eſſe dixit. Sed quid ſingulos commemoro? frequentiſſimo Senatui ſic placuit, ut eſſet nemo, qui non mihi ut parenti gratias ageret, qui non mihi vitam ſuam, liberos, fortunas, rempublicam referret acceptam.

VI. Sed quoniam illis, quos nominavi, tot & talibus viris reſpublica orbata eſt, veniamus ad vivos, qui duo è Conſulari numero reliqui ſunt. L. Cotta, vir ſummo ingenio, ſummaque prudentia, rebus iis geſtis, quas tu reprehendis, ſupplicationem decrevit verbis ampliſſimis: eique illi, quos modo nominavi, Conſulares, Senatuſque cunctus aſſenſus eſt; qui honos poſt conditam hanc urbem habitus eſt togato ante me nemini. L. Cæſar, avunculus tuus, qua oratione, qua conſtantia, qua gravitate ſententiam dixit (12.) in ſororis ſuæ virum, vitricum tuum? hunc tu cum auctorem, & præceptorem omnium conſiliorum, totiuſque vitæ debuiſſes habere, vitrici

NOTES.

(9.) *Cujus quidem tibi fatum, ſicuti C. Curioni manet.*] Curio, having driven Cato out of Sicily, marched with the beſt part of four legions into Africa againſt Varus, who, ſtrengthened by the conjunction of Juba, had reduced the whole province to his obedience. Upon his landing, he met with ſome ſucceſs; but was afterwards entirely defeated and ſlain near the river Bagrada, by Sabura, Juba's general.

(10.) *Quoniam id domi tuæ eſt, quod fuit illorum utrique fatale.*] Meaning Fulvia, who was firſt married to Clodius, concerning whom ſee the oration againſt Milo; next to Curio above-mentioned; and laſtly to Antony.

(11.) *Placuit idem quod conſularibus, M. Catoni.*] Marcus Cato, otherwiſe Uticenſis, never roſe higher than the prætorſhip; and for that reaſon is not ranked here among thoſe of conſular dignity.

(12.) *In ſororis ſuæ virum, vitricum tuum.*] Antony's mother Julia, was ſiſter to Lucius Cæſar; after the death of Antony's father, ſhe

ſort of a conſul he profeſſes himſelf, he objects to me my conſulate; a conſulate, Conſcript Fathers, which was nominally mine, but in fact yours: for what did I ordain, what did I undertake, or what execute, but by the advice, authority and deciſion of this aſſembly? And haſt thou the aſſurance, wiſe and eloquent as thou art, to reproach me with my conduct in the preſence of thoſe very perſons, by whoſe counſels and wiſdom it was regulated? Who ever blamed my conſulate, except P. Clodius? whoſe fate, as it has overtaken C. Curio, now awaits thee; ſince thou haſt that in thy houſe which proved fatal to both. My conſulate does not pleaſe Mark Antony; yet it pleaſed P. Servilius, to name him firſt, who is laſt deceas'd, of the men of conſular dignity at that time. It pleaſed Q. Lutatius Catulus, whoſe authority in this ſtate will never die; it pleaſed the two Luculli, M. Craſſus, Q. Hortenſius, C. Curio, M. Lepidus, C. Piſo, M. Glabrio, L. Volcatius, C. Figulus, with D. Silanus, and L. Muræna, who were then conſuls elect. The ſame thing that pleaſed theſe conſular men, pleaſed alſo Marcus Cato, who, as he left the world to avoid many things he foreſaw, never ſaw thee conſul. But above all, did my conſulate pleaſe Cn. Pompey, who, when he firſt ſaw me, on his return from Syria, embracing and complimenting me, owned that he was indebted to my conduct for beholding his country again. But why do I deſcend to particulars? ſo much did it pleaſe a full ſenate, that there was not a man who did not return thanks to me as to a father, who did not acknowledge that he owed his life, his children, his fortune, and the ſafety of the ſtate to me.

SECT. VI. But as the public is now bereft of ſo many, and ſuch great men, as I have now named, let me proceed to the living; two of whom, perſons of conſular dignity, are ſtill alive. L. Cotta, a man of the greateſt abilities and the utmoſt prudence, in the moſt honourable terms decreed a ſupplication for that very conduct, which you now condemn; to which thoſe men of conſular dignity, whom I have juſt mentioned, and the whole ſenate aſſented: an honour, which ſince the building of the city, was never conferred upon any man in the robes of peace, beſides myſelf. With what ſpirit, with what firmneſs, with what dignity, did L. Cæſar, your uncle, pronounce ſentence upon his own ſiſter's huſband, your ſtep-father? Him you ought to have made your pattern, the director of all your counſels; but you choſe rather to reſemble your ſtep-father than your uncle. I, tho' none of his kinſmen, yet followed his

NOTES.

ſhe married Lentulus Sura, who was put to death in Cicero's conſulſhip, for being concerned in Catiline's conſpiracy.

trici te ſimilem, quam avunculi eſſe maluiſti: hujus ego alienus conſiliis Conſul uſus ſum: tu ſororis filius, ecquid ad eum unquam de republica retuliſti? At ad quos refert? dii immortales! ad eos ſcilicet, quorum nobis etiam dies natales audiendi ſunt. Hodie non deſcendit Antonius; cur? dat natalitia in hortis; cui? neminem nominabo: putate tum (13.) Phormioni alicui, tum Gnathoni, tum Ballioni. O fœditatem hominis flagitioſam! ô impudentiam, nequitiam, libinem non ferendam! tu cum principem Senatorem, civem ſingularem, tam propinquum habeas, ad eum de republ. nihil referas; ad eos referas, qui ſuam rem nullam habent, tuam exhauriunt? Tuus videlicet ſalutaris Conſulatus, pernicioſus meus.

VII. Adeone pudorem cum pudicitia perdidiſti, ut hoc in eo templo dicere auſus ſis, in quo ego Senatum illum, qui quondam florens orbi terrarum præſidebat, conſulebam: tu homines perditiſſimos cum gladiis collocaſti? At etiam auſus es (quid autem eſt, quod tu non audeas?) clivum Capitolinum dicere, me Conſule, plenum ſervorum armatorum fuiſſe; ut illa, credo, nefaria Senatuſconſulta fierent, vim adferebam Senatui. O miſer, ſive illa tibi nota non ſunt (nihil enim boni noſti) ſive ſunt, qui apud tales viros tam impudenter loquare! Quis enim eques Romanus, quis præter te adoleſcens nobilis, quis ullius ordinis, qui ſe civem eſſe meminiſſet, cum Senatus in hoc templo eſſet, in clivo Capitolino non fuit? quis nomen non dedit? quanquam nec ſcribæ ſufficere, nec tabulæ nomina illorum capere potuerunt. Etenim cum homines nefarii de patriæ parricidio confiterentur, conſciorum indiciis, ſua manu, voce pene literarum coacti, ſe urbem inflammare, cives trucidare, vaſtare Italiam, delere rempublicam conſenſiſſe; quis eſſet, qui ad ſalutem communem defendendam non excitaretur? præſertim cum Senatus populuſque Romanus haberet ducem, qualis ſiquis nunc eſſet, tibi idem, quod illis accidit, contigiſſet. (14.) Ad ſepulturam corpus vitrici ſui negat à me datum. Hoc vero ne P. quidem Clodius dixit unquam; quem, quia jure ei fui inimicus, doleo à te jam omnibus vitiis eſſe ſuperatum. Quid autem tibi venit in mentem, redigere in memoriam noſtram te domi P. Lentuli eſſe educatum? an verebare, ne non putaremus natura te potuiſſe tam improbum evadere, niſi acceſſiſſet etiam diſciplina?

VIII.

NOTES.

(13.) *Phormioni alicui*, &c.] Parasitical characters, put here for parasites in general. See Terence and Plautus.

(14.) *Ad ſepulturam corpus vitrici ſui negat à me datum.*] Antony, it ſeems, had objected to Cicero, that he refuſed burial to the corpſe of Lentulus Sura; but Plutarch, in his life of Mark Antony, ſhews that this charge was groundleſs.

advice while conſul; thou, his ſiſter's ſon, ſay, didſt thou ever conſult him upon any thing that related to the public? Immortal Gods! whom does he conſult with? why with thoſe men, whoſe very birth-days we muſt hear of. To-day Antony does not appear; why? he celebrates a birth-day in his gardens. Whoſe? I ſhall name nobody: imagine it ſome buffoon's, pimp's, or paraſite's. Deteſtable meanneſs! intolerable impudence, wickedneſs and luſt! Thou, tho' ſo nearly allied to a principal ſenator, an eminent citizen, never adviſeſt with him about the ſtate; but adviſeſt with thoſe, who having nothing of their own, conſume thy ſubſtance. So beneficial is thy conſulate to the public, ſo pernicious was mine.

SECT. VII. Art thou ſo far loſt then to ſhame as well as chaſtity, that thou haſt the aſſurance to affirm this in that very temple, where I conſulted with a ſenate, which once preſided glorioufly over the whole world; but where thou haſt now placed the moſt abandoned villains with ſwords in their hands? but thou haſt alſo had the aſſurance to ſay (for what is there thou haſt not the aſſurance to ſay?) that the mount of the capitol, in my conſulate, was filled with armed ſlaves; by which I ſuppoſe you would inſinuate, that I forced the ſenate into the infamous decree it then made. Deſpicable wretch, to talk ſo impudently before this aſſembly, whether thou art ignorant of thoſe things, (but thou art a ſtranger to every thing that is good) or art not ignorant of them! for was there a Roman knight, was there a youth of quality beſides thyſelf, was there a man of any rank, who conſidered himſelf as a citizen, that was not on the mount of the capitol, when the ſenate was aſſembled in this temple? was there one who did not inliſt himſelf? the clerks could neither write down, nor the regiſters contain their names. For when abandoned villains confeſſed their deſign of being the parricides of their country; when they were forced by the information of their accomplices, their own hand-writing, and the voice of their letters, if I may uſe the expreſſion, to acknowledge that they had conſpired to ſet fire to the city, to murder the citizens, to lay waſte Italy, and overturn the commonwealth, where is the man that muſt not then have been rouzed to the defence of the public ſafety? eſpecially as the ſenate and people of Rome had then ſuch a leader, that, had they now his fellow, the ſame fate would overtake thee, which then befel them. He denies that I delivered the body of his ſtep-father to be buried. Not even P. Clodius ever ſaid this, whom, as I had reaſon to be his enemy, I am ſorry to ſee outdone by thee in all manner of wickedneſs. But what could put it into thy head to remind us, that thou was educated in the houſe of Lentulus? was thou apprehenſive that we ſhould imagine nature could not have made thee ſuch a monſter, without the aid of education?

SECT.

VIII. Tam autem eras excors, ut tota in oratione tua tecum ipſe pugnares: ut non modo non cohærentia inter ſe diceres, ſed maxime disjuncta, atque contraria: ut non tanta mecum, quanta tecum, tibi eſſet contentio. Vitricum tuum in tanto fuiſſe ſcelere fatebare, pœna affectum querebare. Ita, quod proprie meum eſt, laudaſti; quod totum Senatûs eſt, reprehendiſti: nam comprehenſio ſontium, mea; animadverſio, Senatûs fuit: homo diſertus non intelligit eum, quem contra dicit, laudari à ſe; eos, apud quos dicit, vituperari. Jam illud cujus eſt non dico audaciæ (cupit enim ſe audacem dici) ſed, quod minime vult, ſtultitiæ, qua vincit omnes, clivi Capitolini mentionem facere, cum inter ſubſellia noſtra verſentur armati? cùm in hac cella Concordiæ, ô dii immortales! in qua, me Conſule, ſalutares ſententiæ dictæ ſunt, quibus ad hanc diem viximus, cum gladiis homines collocati ſtent? Accuſa Senatum: accuſa equeſtrem ordinem, qui tum cum Senatu copulatus fuit: accuſa omnes ordines, cives, dum confiteare hunc ordinem, hoc ipſo tempore (15.) ab Ityræis circumſederi. Hæc tu non propter audaciam non dicis tam impudenter, ſed, quia tantam rerum repugnantiam non videas: nihil profecto ſapis; quid eſt enim dementius, quam, cum ipſe reipublicæ pernicioſa arma ceperis, objicere alteri ſalutaria? At etiam quodam loco facetus eſſe voluiſti: quam id te, dii boni! non decebat? in quo eſt tua culpa nonnulla; aliquid enim ſalis (16.) ab uxore mima trahere potuiſti: *Cedant arma togæ*; quid tum? nonne ceſſerunt? At poſtea tuis armis ceſſit toga. Quæramus igitur utrum melius fuerit, libertati populi Romani ſceleratorum arma, an libertatem noſtram armis tuis cedere? (17.) Nec vero tibi de verſibus plura reſpondebo: tantum dicam breviter; te neque illos, neque ullas omnino literas noſſe: me nec reipublicæ, nec amicis unquam defuiſſe, & tamen omni genere monumentorum meorum perfeciſſe operis ſubſecivis, ut meæ vigiliæ meæque literæ & juventuti utilitatis,

NOTES.

(15.) *Ab Ityræis circumſederi.*] Jews, (ſo called from a province of Paleſtine having that name) whom Antony, when he ſerved under Gabinius the proconſul, brought with him to Rome, as perſons every way qualified to execute his brutal and ambitious purpoſes.

(16.) *Ab uxore mima trahere potuiſti.*] This was Cytheris, one of Antony's miſtreſſes, whom he is ſaid to have carried along with him in his military expeditions. Some commentators think ſhe is the ſame perſon, who is mentioned by Virgil, in thoſe lines Ecl. 10th.

Galle, quid inſanis? inquit: tua cura Lycoris,
Perque nives alium, perque horrida caſtra ſecuta eſt.

She was called Volumnia too, from Volumnius Eutrapelus, who was acquainted with her, before Antony was. She had indeed various names, which is no uncommon thing with ladies of her character.

(17.) *Nec vero tibi de verſibus reſpondebo.*] This famous diſtich has been a ſource of perpetual raillery upon Cicero's poetical character; and two bad lines, ſays the elegant and ingenious author of his life, picked out by the malice of enemies, and tranſmitted to poſterity, as a ſpecimen of the reſt, have ſerved to damn many thouſands of good ones.

Antony,

SECT. VIII. But ſo great was thy ſtupidity, that through the whole of thy diſcourſe, thou waſt at variance with thyſelf; inſomuch that what thou ſaidſt, was not only incoherent, but widely different and contradictory; ſo that thou didſt not ſeem to contend ſo much with me, as with thyſelf. You owned that your ſtep-father was concerned in that monſtrous conſpiracy; but complained, that he was puniſhed for it. Thus, what was properly my act, you extolled; what was wholly the ſenate's, you condemned. For that the guilty were apprehended, was owing to me; that they were puniſhed, to the ſenate. This orator therefore does not perceive that he is praiſing the man, he ſpeaks againſt; and condemning thoſe, before whom he ſpeaks. Now by whoſe (I will not ſay audaciouſneſs, for he loves to be called audacious) but by whoſe ſtupidity, an imputation he by no means likes, tho' he exceeds all men in it, ſhall I ſay it is, that the mount of the capitol was mentioned, when armed men are poſted even amidſt our benches? When in this very temple of Concord, Immortal Gods! in which, under my conſulſhip, wholeſome meaſures were taken; meaſures by which we now live, guards are placed with ſwords in their hands? Accuſe the ſenate, accuſe the equeſtrian order, which was then connected with the ſenate; accuſe every rank, and every citizen, but you muſt confeſs that this aſſembly is, at this very inſtant, beſet by barbarians. It is not owing to your audaciouſneſs that you talk ſo impudently, but your not perceiving the inconſiſtency of what you ſay, ſhews your extreme ſtupidity. For what can be more abſurd, than to reproach another with taking up arms for the defence of his country, when thou thyſelf haſt prepared an armed force for its deſtruction? but you once had a mind to be witty. Good Gods! how ill did that become you! and, in ſome meaſure, let me tell you, it was your own fault; for you have a lady who might have infuſed ſome wit into you. *Let arms give place to the gown.* How! and did they not then give place? but the gown afterwards gave place to thy arms. Let us conſider then, which was beſt; that the arms of impious men ſhould yield to the liberty of the Roman people, or that our liberty ſhould yield to thy arms. But I ſhall ſay no more to thee concerning poetry, only obſerve briefly, that thou art an utter ſtranger to that, and every other branch of literature; that I have never been wanting, in what I owe either to the ſtate, or to my friends; and yet by the works of every kind, which I have compoſed in my leiſure hours, have made my labours and learning contribute ſomewhat to the advantage of youth, and the glory of the Roman

NOTES.

Antony, it ſeems, had been ſevere upon him in regard to his poetry; and it is very obſervable, that his anſwer is not in that elegant and polite ſtrain of raillery, he was maſter of upon other occaſions.

tatis, & nomini Romano laudis aliquid adferrent. Sed hæc non hujus temporis: majora videamus.

IX. P. Clodium meo conſilio interfectum eſſe, dixiſti. Quidnam homines putarent, ſi tum occiſus eſſet, cum tu illum in foro, inſpectante populo Romano, gladio ſtricto inſecutus es; negotiumque tranſegiſſes, niſi ille ſe in ſcalas tabernæ librariæ conjeciſſet, hiſque oppilatis impetum tuum compreſſiſſet? Quod quidem ego faviſſe me tibi fateor, ſuaſiſſe ne tu quidem dicis; at Miloni ne favere quidem potui; prius enim rem tranſegit, quam quiſquam eum id facturum ſuſpicaretur. At ego ſuaſi. Scilicet is animus erat Milonis, ut prodeſſe reipublicæ ſine ſuaſore non poſſet. At lætatus ſum; quid ergo? in tanta lætitia cunctæ civitatis me unum triſtem eſſe oportebat? Quanquam de morte P. Clodii fuit quæſtio non ſatis prudenter illa quidem conſtituta; quid enim attinebat nova lege quæri de eo, qui hominem occidiſſet, cum eſſet legibus quæſtio conſtituta? quæſitum eſt tamen. Quod ergo, cum res agebatur, nemo in me dixit; id tot annis poſt tu es inventus, qui diceres? Quod vero dicere auſus es, idque multis verbis, opera mea Pompeium à Cæſaris amicitia eſſe disjunctum, ob eamque cauſam mea culpa civile bellum eſſe natum: in eo, non tu quidem tota re, ſed, quod maximum eſt, temporibus erraſti.

X. Ego M. Bibulo, præſtantiſſimo cive, Conſule, nihil prætermiſi, quantum facere enitique potui, quin Pompeium à Cæſaris conjunctione avocarem: in quo Cæſar fuit felicior; ipſe enim Pompeium à mea familiaritate disjunxit. Poſtea vero quam ſe totum Pompeius Cæſari tradidit, quid ego illum ab eo diſtrahere conarer? ſtulti erat ſperare: ſuadere impudentis. Duo tamen tempora inciderunt, quibus aliquid contra Cæſarem Pompeio ſuaſerim: ea velim reprehendas, ſi potes: (18.) unum, ne quinquennii imperium Cæſari prorogaret: alterum, ne pateretur fieri, ut abſentis ejus ratio haberetur; quorum ſi utrumvis perſuaſiſſem, in has miſerias nunquam incidiſſemus. Atque idem ego, cum jam omnes opes & ſuas, &

NOTES.

(18.) *Unum, ne quinquennii*, &c. *Alterum ne pateretur fieri, ut abſentis ejus ratio haberetur.*] Pompey, when he was conſul the third time, in the year 701, procured a law, empowering Cæſar to offer himſelf as a candidate for the conſulſhip, without appearing perſonally at Rome for that purpoſe. This was contrary to the fundamental principles of the Roman conſtitution, and proved in the event the occaſion of its being utterly deſtroyed: as it furniſhed Cæſar with the only ſpecious pretence for turning his arms againſt the republic. Cicero affirms here, that he endeavoured to diſſuade Pompey from ſuffering this law to paſs: but, if this aſſertion be true, he muſt have acted a very extraordinary part: for at the ſame time that he diſſuaded Pompey from ſuffering this law to paſs, he perſuaded Cælius, who was one of the tribunes of the people, to promote it, or at leaſt not to oppoſe it: agreeably to a promiſe which he had given to Cæſar for that purpoſe. This appears in a paſſage of one of his letters to Atticus, where ſpeaking of Cæſar's

Roman name. Theſe things, however, are foreign to our preſent purpoſe; let us proceed therefore to what is of greater importance.

SECT. IX. You ſaid that Publius Clodius was killed by my advice. What would men have thought, had he been killed when you purſued him in the forum with your drawn ſword, before the whole people of Rome; and had effected your purpoſe, if he had not thrown himſelf under the ſteps of a bookſeller's ſtall; and by barricading it, put a ſtop to your purſuit? In this, indeed, I confeſs that I countenanced you; but you yourſelf do not ſay that I adviſed you to it: as for Milo, I could not poſſibly countenance him, for he had completed the buſineſs, before any perſon ſuſpected that he had undertaken it. Yet it was I who adviſed him to it; as if Milo could not have done a ſervice to his country, without an adviſer. But I rejoiced at it. What! amidſt ſuch univerſal joy, was there any reaſon why I ſhould be the only dejected perſon in Rome? yet, tho' it was not ſo very prudent to do it, a trial was appointed concerning the death of Clodius; for where was the neceſſity of trying a man by a new law, for the murder of another, when ſuch a proceeding was authoriſed by the laws already in being? the trial, however, went on; and what no body, while the affair was depending, accuſed me of; that you have laid to my charge, ſo many years after. But as to what you had the aſſurance to ſay, and that in ſo many words, that Pompey was ſeparated from Cæſar's friendſhip by my means; and for that very reaſon, that the civil war was owing to me, tho' you are not altogether in the wrong, yet you are widely miſtaken in point of time, which is a point of great importance.

SECT. X. While M. Bibulus, that moſt valuable citizen, was conſul, I omitted no means in my power to draw off Pompey from his connexion with Cæſar: but in this Cæſar was more fortunate, for he ſeparated Pompey from my friendſhip. But after Pompey had given himſelf up entirely to Cæſar, why ſhould I have endeavoured to diſunite them? To have entertained hopes of doing it, had been folly; to have attempted it, had been impudence. Two occaſions, however, there were, on which I adviſed Pompey to oppoſe Cæſar; and both theſe meaſures you may blame if you can. The firſt was, that Cæſar's five years command ſhould not be prorogued; the other, that Pompey would not ſuffer any regard to be paid to Cæſar's abſence: in either of which could I have prevailed, we had never fallen into theſe calamities. Yet when Pompey had delivered

NOTES.

Cæſar's claim to ſue for the conſulate, without perſonally attending at Rome, he tells Atticus, *ut illi hoc liceret*, adjuvi: *rogatus ab ipſo Ravennæ de Cælio tribuno plebis. Ad Att.* 7. 1.

& populi Rom. Pompeius ad Cæſarem detuliſſet, ſeroque ea ſentire cœpiſſet, quæ ego ante multo provideram, inferrique patriæ bellum nefarium viderem; pacis, concordiæ, compoſitionis auctor eſſe non deſtiti: meaque illa vox eſt nota multis, UTINAM, Cn. Pompei, cum C. Cæſare ſocietatem aut nunquam coïiſſes, aut nunquam diremiſſes! fuit alterum gravitatis, alterum prudentiæ tuæ. Hæc mea, M. Antoni, ſemper & de Pompeio, & de republica conſilia fuerunt: quæ ſi valuiſſent, reſpublica ſtaret; tu tuis flagitiis, egeſtate, infamia, concidiſſes.

XI. Sed hæc vetera: illud vero recens, Cæſarem meo conſilio interfectum. Jam vereor, Patres Conſcripti, ne, quod turpiſſimum eſt, prævaricatorem mihi appoſuiſſe videar, qui me non ſolum meis laudibus ornaret, ſed etiam oneraret alienis; quis enim meum in iſta ſocietate glorioſiſſimi facti nomen audivit? cujus autem qui in eo numero fuiſſet, nomen eſt occultatum? occultatum dico? cujus non ſtatim divulgatum? citius dixerim jactaſſe ſe aliquos, ut fuiſſe in ea ſocietate viderentur, cum conſcii non fuiſſent, quam ut quiſquam celari vellet qui fuiſſet. Quam veriſimile porro eſt, in tot hominibus partim obſcuris, partim adoleſcentibus, neminem occultantibus, meum nomen latere potuiſſe? Etenim ſi auctores ad liberandam patriam deſiderarentur illis auctoribus, Brutos ego impellerem, quorum uterque L. Bruti imaginem quotidie videret, (19.) alter etiam Ahalæ? Hi igitur his majoribus orti ab alienis potius conſilium peterent, quàm à ſuis? & foris potius, quàm domo? Quid? (20.) C. Caſſius, in ea familia natus, quæ non modo dominatum, ſed ne potentiam quidem cujuſquam ferre potuit, me auctorem, credo, deſideravit: qui etiam ſine his clariſſimis viris, hanc rem, in Cilicia, ad oſtium fluminis Cydni confeciſſet, ſi ille ad eam ripam, quam conſtituerat, non ad contrariam, naves appuliſſet. (21.) Cn. Domitium non patris interitus, clariſſimi viri, non avunculi mors, non ſpoliatio dignitatis, ad recuperandam libertatem, ſed mea auctoritas excitavit? An C. Trebonio ego perſuaſi, cui ne ſuadere quidem auſus eſſem? quo etiam majorem ei reſpublica gratiam debet, qui libertatem populi Romani unius amicitiæ præpoſuit; depulſorque dominatûs, quàm particeps eſſe maluit. (22.) An L. Tillius Cimber me

NOTES.

(19.) *Alter etiam Ahalæ.*] Ahala was one of Brutus's anceſtors, by the mother's ſide; he ſlew Sp. Melius a Roman knight, ſuſpected, on account of his largeſſes to the people, of aiming at the ſovereignty.

(20.) *C. Caſſius in ea familia natus,* &c.] Caſſius was deſcended from the great C. Caſſius, who put his own ſon to death, becauſe ſuſpected of forming deſigns againſt the ſtate.

(21.) *Cn. Domitium non patris interitus,* &c.] Suetonius gives a very great character to this Domitius. He was ſon to L. Domitius, who fell in the battle of Pharſalia, and nephew to Cato Uticenſis.

(22.) *An L. Tillius Cimber me eſt auctore ſecutus?*] Seneca, in his epiſtles to Lucullus, ſays, that this Cimber was a notorious drunkard; and that, nevertheleſs, the ſecret of Cæſar's death was as much entruſted to him as it was to Caſſius, who all his life had drank nothing but water.

delivered up all his own power, and that of the Roman people into Cæſar's hands, when he began too late to perceive thoſe evils which I had long before foreſeen, and when I ſaw that an unnatural war was ready to break out againſt my country, I never ceaſed endeavouring to promote peace, harmony, and a reconciliation: what I ſaid upon that occaſion is well known to many. *I wiſh, Pompey, you had never contracted, or never broke off your friendſhip with Cæſar; the one had been conſiſtent with your dignity, the other with your prudence.* Theſe, Mark Antony, have ever been my counſels, both with regard to Pompey and the ſtate; had they prevailed, the conſtitution had ſtood, and you muſt have fallen by your crimes, your poverty, and infamy.

SECT. XI. But theſe are inſtances of an old date, let us proceed to one that is later; you ſay then, that Cæſar was killed by my advice. Here I am afraid, Conſcript Fathers, of a moſt ſcandalous imputation, ſince it may ſeem as if I ſet up this ſham accuſer, not only to load me with my own honours, but with thoſe of others. For who ever heard my name among thoſe who had a ſhare in that moſt glorious deed? yet whoſe name that was concerned in it, was concealed? concealed, do I ſay? whoſe, that was not immediately publiſhed? I would ſooner ſay that ſome boaſted of being in that number, who were not, than that any who were deſired to be concealed. Beſides, how likely is it, that among ſo many, partly perſons of obſcure birth, partly young men, who concealed no body, my name could poſſibly lie hid? For if thoſe heroes had wanted perſons to rouze them to the deliverance of their country, needed I to have prompted the two Bruti, each of whom had the ſtatue of L. Brutus daily in his eye, and one of them that of Ahala beſides? ſprung from ſuch progenitors, therefore, would theſe men have aſked advice of a ſtranger, rather than of their own family, abroad rather than at home? what! C. Caſſius, deſcended from a family, that not only could not brook ſovereignty, but even the ſuperiority of any one, he, I ſuppoſe, wanted my inſtigation, who even without the aſſiſtance of his illuſtrious partners would have done this very thing in Cilicia, at the mouth of the river Cydnus, if Cæſar had not landed on a different ſide from what he intended. It was not the death of his father, that moſt illuſtrious man, nor the fate of his uncle, nor the being deprived of his own honours, but my influence, that rouſed Cn. Domitius to recover his liberty. Did I perſuade C. Trebonius? a man I would not even have ventured to talk to on ſuch a ſubject. For which reaſon the ſtate owes him greater thanks, becauſe he preferred the liberty of the Roman people to the friendſhip of a ſingle perſon, and choſe rather to be the expeller, than the partner of uſurpation. Was L. Tillius Cimber

me eſt auctorem ſecutus? quem ego magis feciſſe illam rem ſum admiratus, quàm facturum putavi; admiratus ſum autem ob eam cauſam, quod immemor beneficiorum, memor patriæ fuiſſet. (23.) Quid duos Servilios, Caſcas dicam, an Ahalas? & hos auctoritate mea cenſes excitatos potius, quam caritate reipublicæ? Longum eſt perſequi cæteros; idque reipublicæ præclarum, fuiſſe tam multos, ipſis glorioſum.

XII. At quemadmodum me coarguerit homo acutus, recordamini. Cæſare interfecto, inquit, ſtatim cruentum alte extollens M. Brutus pugionem, Ciceronem nominatim exclamavit, atque ei recuperatam libertatem eſt gratulatus. Cur mihi potiſſimum? quòd ſciebam? Vide ne illa cauſa fuerit appellandi mei, quod cum rem geſſiſſet conſimilem rebus iis, quas ipſe geſſeram, me potiſſimum teſtatus eſt, ſe æmulum mearum laudum exſtitiſſe. Tu autem, omnium ſtultiſſime, non intelligis, ſi id, quod me arguis, voluiſſe interfici Cæſarem, crimen ſit; etiam lætatum eſſe morte Cæſaris crimen eſſe? quid enim intereſt inter ſuaſorem facti, & probatorem? aut quid refert utrum voluerim fieri, an gaudeam factum? ecquis eſt igitur, te excepto, & iis qui illum regnare gaudebant, qui illud aut fieri noluerit, aut factum improbarit? omnes enim in culpa; etenim omnes boni, quantum in ipſis fuit, Cæſarem occiderunt: aliis conſilium, aliis animus, aliis occaſio defuit; voluntas nemini. Sed ſtuporem hominis, vel dicam pecudis, attendite; ſic enim dixit: M. BRUTUS, QUEM EGO HONORIS CAUSA NOMINO, (24.) CRUENTUM PUGIONEM TENENS, CICERONEM EXCLAMAVIT: EX QUO INTELLIGI DEBET, EUM CONSCIUM FUISSE. Ergo ego ſceleratus appellor à te, quem tu ſuſpicatum aliquid ſuſpicaris: ille qui ſtillantem præ ſe pugionem tulit, is à te honoris cauſa nominatur? Eſto: ſit in verbis tuis hic ſtupor; quanto in rebus ſententiiſque major? Conſtitue hoc Conſul aliquando: Brutorum, C. Caſſii, Cn. Domitii, C. Trebonii, reliquorum quam velis eſſe cauſam: edormi crapulam, inquam, & exhala: an faces admovendæ ſunt, quæ te excitent tantæ cauſæ in-

dormientem?

NOTES.

(23.) *Quid duos Servilios?*] Publius Servilius the father was conſul in the year of the city 674; and having taken ſome towns of the Iſauri, he aſſumed the ſurname of Iſauricus. His ſon was twice conſul.

(24.) *Cruentum Pugionem tenens.*] Dr. Akinſide, in his *Pleaſures of the Imagination*, one of the moſt beautiful poems, in the Engliſh, or perhaps in any other language, ſpeaks thus of what is here ſaid of Brutus:

Look then abroad thro' nature, to the range
Of planets, ſuns, and adamantine ſpheres
Wheeling unſhaken, thro' the void immenſe
And ſpeak, O man! does this capacious ſcene
With half that kindling majeſty dilate
Thy ſtrong conception, as when Brutus roſe
Refulgent from the ſtroke of Cæſar's fate,
Amid the crowd of patriots; and his arm
Aloft extending, like eternal Jove

determined by me? one whom I was rather ſurpriſed to find concerned in ſuch an action, than of opinion that he would undertake it; and the reaſon of my ſurpriſe was, that he could be unmindful of favours, and mindful of his country. How ſhall I diſtinguiſh the two Servilii? ſhall I call them Caſcas, or Ahalas? And canſt thou think that theſe were influenced more by my perſuaſion, than love for their country? It would be tedious to mention the reſt. That they were ſo many is an honour to their country, and glorious to themſelves.

SECT. XII. But obſerve in what manner this acute reaſoner is to convict me. The moment Cæſar was killed, ſays he, M. Brutus extending his arm aloft with the bloody dagger, called aloud on Cicero by name, and congratulated him on the recovery of liberty. But why did he congratulate me in particular? becauſe I was privy to the deſign. Conſider whether this was not the reaſon of his calling upon me, that as he had performed an action of a ſimilar nature with mine, he called me to witneſs that he appeared there as the rival of my glory. But, dunce, doſt thou not perceive, that if a deſire of having Cæſar killed, which thou chargeſt me with, be a crime, it is alſo a crime to rejoice at his death? for where is the difference betwixt the adviſer and approver of an action? or what matters it, whether I wanted to ſee it done, or rejoiced at it? Is there then a man, excepting thyſelf, and thoſe who rejoiced at his uſurpation, who was either averſe to its being done, or condemned it when done? All men then are criminal. For all good men, as much as they could, were concerned in the death of Cæſar. Some wanted reſolution, ſome ſpirit, ſome the opportunity; but not one the inclination. But obſerve the ſtupidity of the man, or ſhall I rather ſay of the brute: for theſe were his words, *M. Brutus, whom I name with honour, holding up the bloody dagger, called aloud upon Cicero; whence we may infer, that he was privy to the deſign.* I therefore am called a villain, becauſe you ſuſpect me to have ſuſpected ſomething; he that held up the reeking poniard is mentioned by you with honour. Be it ſo: let this ſtupidity be in thy words. How much more is there in thy ſentiments and actions? determine, my worthy Conſul, the nature of what the Bruti, C. Caſſius, Cn. Domitius, C. Trebonius, and the reſt have done. Take my advice, ſleep out thy wine, and diſpel its fumes. Muſt torches be applied to rouze thee, nodding over a cauſe of ſuch importance? wilt

NOTES.

When guilt brings down the thunder, call'd aloud
On Tully's name, and ſhook his crimſon ſteel,
And bade the father of his country, hail!
For lo! the tyrant proſtrate on the duſt,
And Rome again is free!——

Pleaſ. of Imag. B. 1. L. 487.

dormientem? nunquam-ne intelliges, ſtatuendum tibi eſſe, utrum illi, qui iſtam rem geſſerunt, homicidæ ſint, an vindices libertatis?

XIII. Attende enim pauliſper, cogitationemque ſobrii hominis punctum temporis ſuſcipe; etenim ego, qui ſum illorum, ut ipſe fateor, familiaris, ut à te arguor, ſocius, nego quidquam eſſe medium: confiteor eos, niſi liberatores populi Romani, conſervatoreſque reipublicæ ſint, plus quam ſicarios, plus quam homicidas, plus etiam quam parricidas eſſe: ſiquidem eſt atrocius patriæ parentem, quam ſuum occidere. Tu, homo ſapiens & conſiderate, quid dicis? ſi parricidæ; cur honoris cauſa à te ſunt, & in hoc ordine, & apud populum Romanum, ſemper appellati? (25.) cur M. Brutus, te referente, legibus eſt ſolutus, ſi ab urbe plus quam decem dies abfuiſſet? cur ludi Apollinares incredibili M. Bruti honore celebrati? cur provinciæ Caſſio & Bruto datæ? cur Quæſtores additi? cur legatorum numerus auctus? Atque hæc acta per te; non igitur homicidæ: ſequitur ut liberatores tuo judicio ſint; quandoquidem tertium nihil poteſt eſſe. Quid eſt? num conturbo te? non enim fortaſſe ſatis, quæ diſtinctius dicuntur, intelligis; ſed tamen hæc eſt ſumma concluſionis meæ: quoniam ſcelere à te liberati ſunt, ab eodem te ampliſſimis præmiis digniſſimi judicati ſunt. Itaque jam retexo orationem meam, ſcribam ad illos, ut ſiqui forte, quod à te mihi objectum eſt, quærent, ſit-ne verum; ne cui negent: etenim vereor, aut ne celatum me illis ipſis non honeſtum; aut invitatum refugiſſe, mihi ſit turpiſſimum. Quæ enim res unquam (pro ſancte Jupiter!) non modo in hac urbe, ſed in omnibus terris eſt geſta major? quæ glorioſior? quæ commendatior hominum memoriæ ſempiternæ? in hujus me conſilii ſocietatem, tanquam in equum Trojanum cum principibus includis? non recuſo. Ago etiam gratias, quoquo animo facis; tanta enim res eſt, ut invidiam iſtam, quam tu in me vis concitare, cum laude non comparem. Quid enim beatius illis, quos tu expulſos à te prædicas & relegatos? qui locus eſt aut tam deſertus, aut tam inhumanus, qui illos, quo acceſſerint, non affari atque appetere videatur? qui homines tam agreſtes, qui ſe, cum eos adſpexerint, non maximum cepiſſe vitæ fructum

NOTES.

(25.) *Cur M. Brutus, te referente, legibus eſt ſolutus, ſi ab urbe, plus quam decem dies abfuiſſet?*] Brutus and Caſſius being obliged to quit Rome after Cæſar's death, and not thinking it ſafe to return on account of the inſolence of the mob, their friends ſolicited the ſenate for ſome extraordinary employment to be granted to them, to cover the appearance of a flight, and the diſgrace of living in baniſhment, when inveſted with one of the firſt magiſtracies of the republic. As prætors, their reſidence was abſolutely neceſſary at Rome, and could not legally be diſpenſed with for above ten days in the Year: but Antony readily procured a decree to abſolve them from the laws; being glad to ſee them in a ſituation ſo contemptible, ſtript of their power, ſuffering a kind of exile, and depending, as it were, upon him for their protection. By his means commiſſions

wilt thou never underſtand, that it muſt be determined by thee, whether thoſe who committed that action were murderers, or the aſſerters of liberty?

SECT. XIII. Yet attend a little, and for one moment think like a ſober man. For I, who confeſs myſelf their friend, and, as you affirm, am their aſſociate, deny that there is any medium: I allow, that if they were not the deliverers of the Roman people, and the preſervers of the ſtate, they are worſe than ruffians, worſe than murderers, worſe even than parricides: inaſmuch as it is a greater crime to murder the father of one's country, than it is to murder one's natural father. What ſayſt thou, wiſe and conſiderate man, to all this? if they are parricides, why are they always mentioned by thee with honour, both in this aſſembly, and before the Roman people? Why had M. Brutus, at thy motion, a diſpenſation from the laws, of being abſent from the city above ten days? why were the Apollinarian games celebrated in ſo honourable a manner for M. Brutus? why provinces aſſigned to Caſſius and Brutus? why queſtors added? why the number of their lieutenants augmented? and all this was done by thee: they cannot then be murderers. They are, conſequently, in thy judgment, deliverers of their country, ſince there can be no medium. What's the matter? do I diſconcert thee? perhaps thou doſt not thoroughly underſtand, what is ſo clearly ſtated. This is the ſum of what I have ſaid; ſince by thee they have been acquitted of guilt, by thee they have been thought worthy of the greateſt rewards. I ſhall now therefore change my diſcourſe: I will write to them, that if any ſhould aſk, whether there was any truth in what you objected to me, not to deny it. For I am afraid leſt it ſhould be thought diſhonourable in them to conceal it from me, or ſcandalous in me to decline it when invited. For, O ſacred Jove! what greater action was ever performed not only in this city, but in the whole world? what more glorious? what that can better deſerve being held in eternal remembrance? doſt thou make me an aſſociate in this deſign, and ſhut me up with theſe heroes, as it were in the Trojan horſe? I will not diſown it. Nay, I give thee thanks, whatever be thy intention in doing it. For ſo glorious is the action, that I would not purchaſe an exemption from the malice, which thou wouldſt now raiſe againſt me, at the expence of the honour attending it. Can there be a happier fate, than that of the men, whom thou declareſt thou haſt expelled and baniſhed? what place is there ſo deſert or barbarous, that when they ſhall approach it, will not invite and entertain them? what men ſo ſavage, as not to think

NOTES.

ſions were granted to them to buy up corn in Aſia and Sicily, for the uſe of the republic; which was contrived as an affront to them, being abſolutely below their character.

fructum putent? quæ vero tam immemor poſteritas, quæ tam ingratæ literæ reperientur, quæ eorum gloriam non immortalitatis memoria proſequantur? Tu vero adſcribe me talem in numerum.

XIV. Sed unam rem vereor, ne non probes; ſi enim fuiſſem, non ſolum regem, ſed regnum etiam de republica ſuſtuliſſem: & ſi meus ſtilus ille fuiſſet (ut dicitur) mihi crede (26.) non ſolum unum actum, ſed totam fabulam confeciſſem. Quanquam ſi interfici Cæſarem voluiſſe crimen eſt, vide quæſo, Antoni, quid tibi futurum ſit; (27.) quem & Narbone hoc conſilium cum C. Trebonio cepiſſe notiſſimum eſt, & ob ejus conſilii ſocietatem, cum interficeretur Cæſar, tum te à Trebonio vidimus ſevocari. Ego autem (vide quam tecum agam non inimice) quod bene cogitaſti aliquando, laudo: quod non indicaſti, gratias ago; quod non feciſti, ignoſco; virum res illa quærebat. Quod ſi te in judicium quis adducat, uſurpetque illud Caſſianum, CUI BONO FUERIT, vide, quæſo, ne hæreas; quanquam illud quidem fuit, ut tu dicebas, omnibus bono, qui ſervire nolebant; tibi tamen præcipue, qui non modo non ſervis, ſed etiam regnas: qui maximo te ære alieno ad ædem Opis liberaſti: qui per eaſdem tabulas innumerabilem pecuniam diſſipaviſti: (28.) ad quem è domo Cæſaris tam multa delata ſunt: cujus domus quæſtuoſiſſima eſt falſorum commentariorum & chirographorum officina, agrorum, oppidorum, immunitatum, vectigalium flagitioſiſſimæ nundinæ. Etenim quæ res egeſtati & æri alieno tuo, præter mortem Cæſaris, ſubvenire potuiſſet? Neſcio quid conturbatus eſſe mihi videris; nunquid ſubtimes, ne ad te hoc crimen pertinere videatur? libero te metu; nemo credet unquam: non eſt tuum de republica bene mereri: habet iſtius pulcherrimi facti clariſſimos viros reſpublica auctores: ego te tantum gaudere dico, feciſſe non arguo. Reſpondi maximis criminibus: nunc etiam reliquis reſpondendum eſt.

XV.

NOTES.

(26.) *Non ſolum unum actum, ſed totam fabulam confeciſſem.*] Cicero here declares, that if he had been concerned in the plot againſt Cæſar, he ſhould not have left his work imperfect; he frequently reproaches the conſpirators with having committed a capital miſtake, in ſparing Antony when they deſtroyed Cæſar. But it may be affirmed (and upon the authority of Cicero himſelf) that nothing could have been more unjuſtifiable, than to have rendered Antony a joint victim with Cæſar. 'Tis true, there was an antient law ſubſiſting, by which every one was authoriſed to lift up his ſword againſt the man, who ſhould diſcover any deſigns of invading the public liberties. But Antony was ſo far from having given indications of this kind at Cæſar's death, that Cicero in a letter written to Atticus ſoon afterwards, tells him, he looked upon Antony as a man too much devoted to the indulgencies of a luxurious life, to be inclined to form any ſchemes deſtructive of the public repoſe: *Quem quidem ego*, ſays he, *epulārum magis arbitror rationem habere, quam quidquam mali cogitare.*

(27.) *Quem & Narbone hoc conſilium cum C. Trebonio cepiſſe notiſſimum eſt.*] We learn from Plutarch, in his life of Antony, that when the conſpirators were deliberating among themſelves about killing Cæſar, it was debated among them, whether they ſhould invite Antony to aſſiſt them in the execution of their deſign; that Trebonius oppoſed the motion, alledging that he was no ſtranger to Antony's ſentiments in regard to the

think a ſight of them the greateſt happineſs of their lives? what poſterity ſhall be found ſo unmindful, what hiſtories ſo ungrateful, as not to crown their memory with everlaſting renown? do thou ſet me down in the glorious liſt.

SECT. XIV. But I am afraid of one thing; namely, that you cannot prove your aſſertion. For had I been concerned, I ſhould have rid the ſtate not only of the tyrant, but of tyranny itſelf; and had the piece been mine, (if I may be allowed to uſe the expreſſion) I ſhould not have ſtopt at one act, but finiſhed the whole play. But if it be a crime to have wiſhed for Cæſar's death, what, Antony, muſt become of you? ſince it is well known, that at Narbonne you entered into that plot with C. Trebonius, and becauſe you had been once engaged in that deſign, we ſaw you, when Cæſar was killing, called aſide by the ſame Trebonius. I indeed commend you (obſerve how far I am from being an enemy) for having once in your life formed a virtuous purpoſe; I return you my thanks for not having betrayed the cauſe; and I forgive you for not acting in it. The affair, indeed, required a man: but if any one ſhould bring you to a trial, and make uſe of that ſaying of Caſſius, *what good purpoſe could it ſerve?* Beware, I beſeech you, you be not puzzled. Though it was indeed of ſervice, as you yourſelf ſaid, to all who were not willing to be ſlaves; and to you in particular, who not only are no ſlave, but even a king; who have paid off your immenſe debts at the temple of Ops; who by means of the notes I have mentioned, have ſquandered away a prodigious ſum; to whom ſuch a treaſure was carried from Cæſar's houſe; you, whoſe houſe is the moſt lucrative office for fictitious notes and writings; the moſt ſcandalous mart for lands, towns, immunities and taxes. For what but Cæſar's death could have relieved thy neceſſities, and cleared thy debts? Thou ſeemeſt greatly diſconcerted about ſomething. Art thou afraid leſt this charge ſhould fall upon thee? I will rid thee of thy fear: no body will ever believe it: it is not for thee to deſerve well of thy country: thoſe who performed that moſt glorious deed were the moſt illuſtrious perſons of the ſtate: I only ſay, thou didſt rejoice at it; I do not charge thee with committing it. I have anſwered the moſt heinous part of my charge, it now remains to reply to the other.

NOTES.

the affair, ſince he had already endeavoured to perſuade him to it, at that time when Cæſar was returning from Spain. Trebonius repreſented at the ſame time, that Antony refuſed to comply with what he propoſed, but that he had nevertheleſs kept the ſecret faithfully. Cicero gives a different account of the matter; he affirms, that Antony entered into the deſign againſt Cæſar, but that he had not courage to aſſiſt in the execution of it.

(28.) *Ad quem è domo Cæſaris tam multa delata ſunt.*] Calphurnia, Cæſar's wife, after the death of her huſband, fled for ſhelter to Antony, carrying with her all the money Cæſar had left behind him, amounting to near a million ſterling.

XV. Caſtra mihi Pompeii atque omne illud tempus objeciſti; quo quidem tempore, ſi, ut dixi, meum conſilium auctoritaſque valuiſſet, tu hodie egeres, nos liberi eſſemus; reſpublica non tot duces & exercitus amiſiſſet. Fateor enim, me (29.) cum ea, quæ acciderunt, providerem futura, tanta in mœſtitia fuiſſe, quanta cæteri optimi cives, ſi idem providiſſent, fuiſſent. Dolebam, dolebam, P. C. rempublicam veſtris quondam meiſque conſiliis conſervatam, brevi tempore eſſe perituram. Neque vero eram tam indoctus ignaruſque rerum, ut frangerer animo propter vitæ cupiditatem, quæ me manens conficeret angoribus, dimiſſa moleſtiis omnibus liberaret; illos ego præſtantiſſimos viros, lumina reipublicæ, vivere volebam, tot Conſulares, tot Prætorios, tot honeſtiſſimos Senatores, omnem præterea florem nobilitatis ac juventutis, tum optimorum civium exercitus: qui ſi viverent, quamvis iniqua conditione pacis (mihi enim pax omnis cum civibus bello civili utilior videbatur) rempublicam hodie teneremus. Quæ ſententia ſi valuiſſet, ac non ii maxime mihi, quorum ego vitæ conſulebam, ſpe victoriæ elati obſtitiſſent; ut alia omittam, tu certe nunquam in hoc ordine, vel potius nunquam in hac urbe manſiſſes. At vero Cn. Pompeii voluntatem à me abalienabat oratio mea; an ille quenquam plus dilexit? cum ullo aut ſermones, aut conſilia contulit ſæpius? quod quidem erat magnum, de ſumma rep. diſſentientes, in eadem conſuetudine amicitiæ permanere: ſed & ego quid ille, & contra ille quid ego & ſentirem & ſpectarem videbat; ego incolumitati civium primum, ut poſtea dignitati poſſemus; ille præſenti dignitati potius conſulebat: quod autem habebat uterque quod ſequeretur, idcirco tolerabilior erat noſtra diſſenſio. Quid vero ille ſingularis vir ac pene divinus de me ſenſerit, ſciunt qui eum de Pharſalica fuga Paphum perſecuti ſunt; nunquam ab eo mentio de me, niſi honorifica, niſi plena amiciſſimi deſiderii, cum me vidiſſe plus fateretur, ſe ſperaviſſe meliora: & ejus viri nomine me inſectari audes, cujus me amicum, te ſectorem eſſe fateare?

XVI. Sed omittatur bellum illud, in quo tu nimium felix fuiſti, (30.) Ne

NOTES.

(29.) *Cum ea, quæ acciderunt, providerem futura.*] Cicero's wonderful reach of judgment in penetrating far into the conſequences of events, is confirmed by the teſtimony of an hiſtorian who knew him well; and who aſſures us, that he pointed out with a prophetic diſcernment, ſeveral circumſtances that were fulfilled, not only in his own life time, but after his death. *Corn. Nep. in Vit. Att.*

SECT. XV. You reproached me with being in Pompey's camp, and with my conduct during all that juncture; a juncture, in which, as I ſaid, if my advice and authority had prevailed, thou hadſt ſtill been oppreſſed with want, and we in poſſeſſion of our liberty: nor would the ſtate have loſt ſo many generals and armies. For I confeſs, that when I foreſaw thoſe things, which have ſince come to paſs, I was as much dejected, as other good citizens would have been, had they foreſeen the ſame. It grieved me, it grieved me, Conſcript Fathers, that this conſtitution, once preſerved by your conduct and mine, was ſo ſoon to fall to ruin. Not that I was ſo unexperienced and ignorant of human affairs, as to ſuffer my ſpirits to ſink through a fondneſs for life; the continuance of which did but conſume me with anguiſh, while the loſs of it would have freed me from all my troubles. I wanted thoſe excellent men, the luminaries of the ſtate to live; ſo many of conſular, ſo many of prætorian dignity, ſo many illuſtrious ſenators, beſides the whole flower of our nobility and youth, with an army of the moſt worthy citizens; had theſe lived, tho' upon unreaſonable conditions of peace, (for to me any peace with my countrymen ſeemed more eligible than a civil war) we had ſtill been in poſſeſſion of the government. Had this advice prevailed, and had not thoſe, whoſe ſafety I conſulted, elated with the hopes of victory, oppoſed it, to ſay no more, thou certainly hadſt never remained in this order, or rather not in this city. But my diſcourſe alienated Pompey's affection from me. Did he ever love any man more? was there a man, with whom he converſed or adviſed more frequently? which was indeed very extraordinary, that two perſons of different ſentiments in regard to the moſt important matters of the ſtate, ſhould yet continue the ſame intercourſe of friendſhip. But my ſentiments and views were known to him, and his to me. I regarded the ſafety of my countrymen, in the firſt place, that afterwards we might be able to conſult their dignity; he had their immediate dignity rather in view. Thus, as each of us had a different point to purſue, our diſagreement was for that reaſon the more moderate. But what that extraordinary, and almoſt divine perſon thought of me, thoſe know, who accompanied him in his flight from Pharſalia to Paphos. He never mentioned me but with honour, and in terms of the moſt friendly concern; confeſſing that I ſaw farther, but that he had hoped for the beſt. And haſt thou the aſſurance to inſult me by the mention of that man, while you own that I was his friend, and you the purchaſer of his eſtate.

SECT. XVI. But let that war be paſſed over, in which you was too ſucceſsful. I ſhall not even reply to thoſe jokes, which you ſay

(30.) Ne jocis quidem reſpondebo, quibus me in caſtris uſum eſſe dixiſti: erant illa quidem caſtra plena curæ; verum tamen homines, quamvis in turbidis rebus ſint, tamen, ſi modo homines ſunt, interdum animis relaxantur. Quod autem idem mœſtitiam meam reprehendit, idem jocum; magno argumento eſt, me in utroque fuiſſe moderatum. (31.) Hæreditates mihi negaſti venire. Utinam hoc tuum verum crimen eſſet! plures amici mei & neceſſarii viverent: ſed quî iſtuc tibi venit in mentem? Ego enim amplius H. S. ducenties acceptum hæreditatibus retuli. Quanquam in hoc genere fateor feliciorem eſſe te: me nemo, niſi amicus, fecit hæredem, ut cum illo commodo, ſi quod erat, animi quidam dolor jungeretur; te is, quem tu vidiſti nunquam, L. Rubrius Caſſinas, fecit hæredem: & quidem vide, quam te amarit is, qui, albus aterve fueris ignorans, fratris filium præteriit: Q. Fuſii honeſtiſſimi equitis Romani, ſuique amiciſſimi, quem palam hæredem ſemper factitarat, ne nomen quidem perſcripſit; te, quem nunquam viderat, aut certe nunquam ſalutaverat, fecit hæredem. Velim mihi dicas, niſi moleſtum eſt, L. Turſelius qua facie fuerit, qua ſtatura, quo municipio, qua tribu; nihil ſcio, inquies, niſi quæ prædia habuerit: igitur fratrem exhæredans te faciebat hæredem. In multas præterea pecunias alieniſſimorum hominum, ejectis veris hæredibus tanquam hæres eſſet, invaſit. Quanquam hoc maxime admiratus ſum, mentionem te hæreditatum auſum eſſe facere, cum ipſe hæreditatem patris non adiſſes.

XVII. (32.) Hæc ut colligeres, homo amentiſſime, tot dies in aliena villa declamaſti? quanquam tu quidem (ut tui familiariſſimi dictitant) vini exhalandi, non ingenii acuendi cauſa declamitas. Et vero adhibes joci cauſa magiſtrum, ſuffragio tuo & compotorum tuorum rhetorem; cui conceſſiſti ut in te, quæ vellet, diceret: falſum omnino hominem! ſed materia facilis, in te & in tuos dicta dicere.

NOTES.

(30.) *Ne jocis quidem reſpondebo, quibus me in caſtris uſum eſſe dixiſti.*] When Cicero joined Pompey, he was greatly diſſatisfied with many things in regard to his management of the war, and the conduct of the chiefs of his party, who truſting to the ſuperior fame and authority of their leader, and dazzled with the ſplendor of the troops which the princes of the eaſt had ſent to their aſſiſtance, aſſured themſelves of victory; and, without reflecting on the different character of the two armies, would hear of nothing but fighting. Cicero made it his buſineſs to diſcourage this wild ſpirit, but finding that his remonſtrances were ſlighted, he reſumed his uſual way of raillery; and what he could not diſſuade by his authority, endeavoured to make ridiculous by his jeſts. Some of his ſayings on this occaſion are preſerved by different writers. When Pompey put him in mind of *his coming ſo late* to them: *how can I come late*, ſaid he, *when I find nothing in readineſs among you?*— And upon Pompey's aſking him ſarcaſtically, *where his ſon-in-law Dolabella was? He is with your father-in law*, replied he. To a perſon newly arrived from Italy, and informing them of a ſtrong report at Rome, *that Pompey was blocked up by Cæſar*; and *you ſailed hither therefore*, ſaid he, *that you might ſee it with your own eyes.* And even after their defeat, when Nonnius was exhorting

I made uſe of in the camp. That camp was indeed full of care; but yet men, even amidſt ſcenes of confuſion, if they are men, ſometimes unbend their minds. But ſince he both blames me for my dejection and my mirth, it is a ſtrong preſumption that I was moderate in both. You deny that any legacies were bequeathed me. I wiſh this charge of yours were true; many more of my friends and kinſmen muſt have been now alive. But how came that into thy head? for I have received above 156,000*l.* in legacies. Tho' I confeſs that you have been luckier in this reſpect; for none but friends mentioned me in their wills; ſo that what advantage I had, if I had any, was attended with grief. L. Rubrius Caſſinas, a man whom you never ſaw, appointed you his heir. And obſerve, I beſeech you, how much he loved you, when without knowing whether you were black or white, he preferred you to his own brother's ſon: he did not even mention Q. Fuſius, a Roman knight of the greateſt merit, and an intimate friend, whom he had always declared ſhould be his heir, and named you whom he never ſaw, at leaſt, never ſpoke to. I wiſh you would tell me, if it is not too much trouble, what kind of a man L. Turſelius was in perſon, how tall he was, of what corporation, and what tribe. I can tell you nothing, you'll ſay, but what eſtates he had. Therefore he diſinherited his brother, and made you his heir. He likewiſe ſeized the perſonal eſtates of a great many other perſons, who were perfect ſtrangers to him, to the prejudice of the true heirs. But what ſurpriſes me moſt is, that thou ſhouldſt have the aſſurance to mention legacies, when thou didſt not ſucceed to thy own father's inheritance.

SECT. XVII. Was it in order to collect theſe things, ideot, that you declaimed ſo often at another perſon's country-ſeat? tho' indeed your moſt intimate acquaintance give out that you declaim not for the ſake of cultivating your genius, but to evaporate your wine: and to compleat the joke you appointed a maſter, one who in your judgment and that of your companions, is a rhetorician, with liberty to ſay what he pleaſed againſt you. A pleaſant fellow truly! but

NOTES.

horting them to courage, becauſe there were *ſeven eagles ſtill left in Pompey's camp; you encourage well*, ſaid he, *if we were to fight with jack-daws.* By the frequency of theſe ſplenetic jokes, he is ſaid to have provoked Pompey ſo far as to tell him, *I wiſh that you would go over to the other ſide, that you may begin to fear us.* Vid. *Macr. Saturn.* c. 3. *Plutar. in Cicer.*

(31.) *Hæreditates mihi negaſti venire.*] It was reckoned a great diſgrace among the Romans to have no legacies bequeathed them by their friends.

(32.) *Hæc ut colligeres, homo amentiſſime, tot dies in aliena villa declamaſti?*] Antony being greatly enraged at Cicero's firſt ſpeech againſt him, reſolved to anſwer him in perſon at the next meeting of the ſenate; for which end he is ſaid to have employed himſelf during the ſpace of ſeventeen days in preparing the materials of a ſpeech, and declaiming againſt Cicero in Scipio's villa near Tibur.

dicere. Vide autem, quid interſit inter te & avum tuum: ille ſenſim dicebat, quod cauſæ prodeſſet; tu curſim dicis aliena. At quanta merces rhetori data eſt? Audite, audite, P. C. & cognoſcite reipublicæ vulnera; (33.) duo millia jugerum campi Leontini Sex. Clodio rhetori aſſignaſti, & quidem immunia, ut pro tanta mercede nihil ſapere diſceres: num etiam hoc, homo audaciſſime, ex Cæſaris commentariis? Sed dicam alio loco & de Leontino agro, & de Campano: quos iſte agros ereptos reipublicæ turpiſſimis poſſeſſoribus inquinavit. Jam enim, quoniam criminibus ejus ſatis reſpondi, de ipſo emendatore & correctore noſtro quædam dicenda ſunt; nec enim omnia effundam, ut, ſi ſæpius decertandum ſit, ut erit, ſemper novus veniam: quam facultatem mihi multitudo iſtius vitiorum peccatorumque largitur. Viſne igitur te inſpiciamus à puero? ſic opinor; à principio ordiamur.

XVIII. Teneſne memoria prætextatum te decoxiſſe? patris, inquies, iſta culpa eſt; concedo: at enim eſt pietatis plena defenſio. Illud tamen audaciæ tuæ, quod ſediſti in quatuordecim ordinibus, (34.) cum eſſet lege Roſcia decoctoribus certus locus conſtitutus, quamvis quis fortunæ vitio, non ſuo decoxiſſet. Sumpſiſti virilem, quam ſtatim muliebrem togam reddidiſti: primo vulgare ſcortum: certa flagitii merces, nec ea parva: ſed cito Curio intervenit, qui te à meretricio quæſtu abduxit; (35.) &, tanquam ſtolam dediſſet, in matrimonio ſtabili & certo locavit. Nemo unquam puer emptus libidinis cauſa tam fuit in domini poteſtate, quam tu in Curionis: quoties te pater ejus domo ſua ejecit? quoties cuſtodes poſuit, ne limen intrares? (36.) cum tamen tu, nocte ſocia, hortante libidine, cogente mercede, per tegulas demitterere; quæ flagitia domus illa diutius ferre non potuit. Sciſne me de rebus mihi notiſſimis dicere? recordare

NOTES.

(33.) *Duo millia jugerum campi Leontini Sex. Clodio rhetori aſſignaſti.*] This Sextus Clodius was a Sicilian. He is mentioned by Suetonius, in his book *de Cl. Rhe.* Antony gave him two thouſand acres of the Leontine lands, reckoned the moſt fertile in all Sicily.

(34.) *Cum eſſet lege Roſcia decoctoribus certus locus conſtitutus.*] In the conſulſhip of L. Metellus and Q. Martius, and the year of the city 682, Lucius Roſcius Otho, a tribune of the people, enacted a law, that fourteen rows of benches ſhould be appropriated to the knights in the theatre. But thoſe of them who, either through their own miſmanagement or misfortunes, had loſt their eſtates, had no right to ſit on theſe benches. See *Orat. pro Mur.* not. 17.

(35.) *Et tanquam ſtolam dediſſet.*] In the early times of the Roman commonwealth, the gown was uſed alike by men and women. Afterwards the women took up the *ſtola* and the *palla* for their ſeparate dreſs. The *ſtola* was their ordinary veſt, worn within doors, coming down to their ankles: when they went abroad they flung it over the *palla* or *pallium*, a long open manteau, which covered the *ſtola*, and their whole body. The common courtezans were not allowed to appear in the *ſtola*, but obliged to wear a ſort of gown, as a mark of infamy, by reaſon of its reſemblance to the habit of the oppoſite ſex. Hence in that place of Horace,

——*Quid inter——*
Eſt, in matrona, ancilla, peccaſve togata?
L. 1. S. 2. ver. 63.

Where, according to Dacier and other commentators, by *togata* is underſtood the common

but it is no difficult matter to find ſubject enough againſt you and your friends. Obſerve now the difference betwixt you and your grand-father. He ſpoke deliberately, and to the purpoſe; you haſtily, and what you ſay is foreign to the ſubject. But what wages did you give your maſter in rhetoric? Hear, hear, Conſcript Fathers, and learn the wounds of your country. You allotted two thouſand acres of the Leontine lands, and thoſe too free from taxes, to Clodius the rhetorician, that for ſuch extravagant wages, you might learn— nothing. Was this done too, thou moſt impudent of men, by virtue of Cæſar's papers? But I ſhall ſpeak in another place both of the Leontine and Campanian lands, which having robbed the public of, he has defiled with his infamous tenants. For now, as I have ſaid enough in anſwer to his accuſations, I muſt touch a little upon this corrector and reformer of mine: nor ſhall I exhauſt my ſubject, that if I ſhould have occaſion to engage frequently, which I fancy will be the caſe, I may ſtill fight with new weapons: an advantage, which the multitude of his vices and crimes furniſhes me with. Wouldſt thou have us then examine thy conduct from a boy? With all my heart: let us trace thee from thy firſt ſetting out.

SECT. XVIII. Doſt thou remember, that before putting on the manly gown, thou waſt a bankrupt? That was my father's fault. I allow it; for this is a defence full of filial piety. But it was owing to thy impudence, that thou ſeatedſt thyſelf in one of the fourteen rows in the theatre, when by the Roſcian law there was a particular place appointed for bankrupts, even tho' they became ſuch thro' misfortunes, and not through their own fault. You put on the manly gown, but you quickly changed it into the dreſs of a woman. At firſt you was a common proſtitute, at a fixed price, and that no low one; but Curio ſoon interpoſed, who took you out of the profeſſion of a proſtitute, and as if he had cloathed you in a matron's robe, ſettled you in firm and certain wedlock. No boy purchaſed to ſatisfy brutal luſt, was ever ſo much in the power of his maſter, as you was in Curio's. How often did his father turn you out of his houſe? how often did he place centinels to prevent your croſſing his threſhold? when you notwithſtanding, befriended by night, prompted by luſt, and compelled by hire, was let down through the tiling; crimes, which that family could no longer bear with. Are you not conſcious, that I ſpeak of what is well known to me? Recollect

NOTES.

mon ſtrumpet, in oppoſition both to the matron and the ſervant-maid.

(36) *Cum tamen tu, nocte ſocia*, &c.] This is ſuch an inſtance of brutal depravity as cannot perhaps be parallelled; and tho' it is poſſible that Cicero here exaggerates a little, yet when we conſider the amazing height to which vice and debauchery had then arrived at Rome, not altogether improbable.

recordare tempus illud, cum pater Curio mœrens jacebat in lecto: filius ſe ad pedes meos proſternens, lacrymans, te mihi commendabat: orabat ut te contra ſuum patrem, ſi ſeſtertium ſexagies peteret, defenderem: tantum enim ſe pro te interceſſiſſe [dicebat.] Ipſe autem amore ardens confirmabat, quod deſiderium tui diſcidii ferre non poſſet, ſe in exſilium eſſe iturum. Quo ego tempore tanta mala florentiſſimæ familiæ ſedavi, vel potius ſuſtuli; patri perſuaſi, ut æs alienum filii diſſolveret; redimeret adoleſcentem ſumma ſpe & animi & ingenii præditum, rei familiaris facultatibus; eumque à tua non modo familiaritate, ſed etiam congreſſione, patrio jure & poteſtate, prohiberet. Hæc tu cum per me acta meminiſſes, niſi illis, quos videmus, gladiis confideres, maledictis me provocare auſus eſſes?

XIX. Sed jam ſtupra, & flagitia omittam; ſunt quædam quæ honeſte non poſſum dicere; tu autem eo liberior, quod ea in te admiſiſti, quæ à verecundo inimico audire non poſſes. Sed reliquum vitæ curſum videte: quem quidem celeriter perſtringam; ad hæc enim quæ in civili bello, in maximis reipubl. miſeriis fecit, & ad ea quæ quotidie facit, feſtinat animus: quæ peto, ut quanquam multo notiora vobis, quam mihi ſunt, tamen, ut facitis, attente audiatis; debet enim talibus in rebus excitare animos non cognitio ſolum rerum, ſed etiam recordatio; tametſi incidamus oportet media, ne nimis ſero ad extrema veniamus. Intimus erat in tribunatu Clodio, qui ſua erga me beneficia commemorat; ejus omnium incendiorum fax; (37.) cujus etiam domi quiddam jam tum molitus eſt: quid dicam, ipſe optime intelligit. Inde itur Alexandriam (38.) contra Senatûs auctoritatem, contra religionem; ſed habebat ducem Gabinium, quicum quidvis rectiſſime facere poſſet. Qui tum inde reditus, aut qualis? (39.) prius in ultimam Galliam ex Ægypto, quam domum:

NOTES.

(37.) *Cujus etiam domi quiddam jam tum molitus eſt.*] By the ſecond marriage of Antony's mother, he became ſon-in-law to that Lentulus, who was put to death for conſpiring with Catiline. To revenge the death of this father, he attached himſelf to Clodius; and, during his tribunate, was one of the miniſters of all his violences; yet was detected at the ſame time in a criminal intrigue in his family, with his wife Fulvia, whom he married after Clodius's death.

(38.) *Contra ſenatus auctoritatem, contra religionem.*] Ptolemy king of Egypt, having been expelled his kingdom by his ſubjects, fled to Rome in order to ſolicit his reſtoration by a Roman army. Cato, the tribune, oppoſed his reſtoration, with the greateſt part of the ſenate on his ſide. Taking occaſion to conſult the Sibylline books, on the ſubject of ſome prodigies, he chanced to find in them certain verſes, forewarning the Roman people, not to replace an exiled king of Egypt with an army. This was ſo pat to his purpoſe, that there could be no doubt of its being forged; but Cato called up the guardians of the books into the roſtra, to teſtify the paſſage to be genuine, where it was publicly read and explained to the people; it was laid alſo before the ſenate, who greedily received it; and, after a grave debate on this ſcruple of religion, came to a reſolution, *that it ſeemed dangerous to the republic, that the king ſhould be reſtored by a multitude.* Gabinius when proconſul of Syria, in open defiance of the authority of the ſenate, and the direction of the Sibyl, replaced Ptolemy on the throne with

Recollect the time when Curio the father lay oppreſt with grief in his bed; when the ſon proſtrating himſelf at my feet, recommended you with tears to my protection; and begged that I would defend you againſt his own father, if he ſhould inſiſt upon having forty-eight thouſand pounds, and upwards; for he ſaid that he was engaged for you to that amount: at the ſame time, inflamed with paſſion, he declared, that as he could not bear the pangs of a ſeparation from you, he would go into baniſhment. At which time I compoſed, or rather utterly baniſhed all theſe evils from that flouriſhing family. I perſuaded the father to pay off his ſon's debts; by means of his eſtate, to extricate a youth, of the moſt promiſing genius, out of his difficulties; and by his paternal power and authority, to debar him not only from all intimacy, but from all manner of intercourſe with you. As you remember all this was done by me, had you not truſted to thoſe ſwords we now behold, would you have dared to attack me with your reproaches?

SECT. XIX. But I will now paſs over your proſtitution, and infamous intrigues; there are ſome things I cannot mention with decency; the knowledge of which gave you the greater ſcope, ſince you have been guilty of what cannot be urged againſt you by a modeſt enemy. But obſerve the remaining courſe of his life, which indeed I ſhall quickly run over: for I haſten to what he did in the civil war, amidſt the greateſt calamities of his country, and to what he now does every day; which, tho' much better known to you than to me, yet I beg you would be pleaſed to continue your attention. For in ſuch caſes the paſſions ought to be rouzed, not only by the knowledge, but by the recollection of actions. I muſt however cut off the middle ſtage of his life, leſt I ſhould arrive too late at the laſt. This man, who now boaſts of his favours to me, was intimate, in his tribuneſhip, with Clodius. He was the miniſter of all his violent proceedings. He did ſomething at his houſe too at that time; what it was, I need not ſay; he himſelf knows very well what I mean. From thence he went to Alexandria againſt the authority of the ſenate, and that of religion. But he had Gabinius for his leader, with whom he could not fail of doing every thing in the beſt manner. When, or how did he return them from thence? He

NOTES.

with his Syrian army. Antony accompanied Gabinius, and acquired the firſt taſte of martial glory, in an expedition undertaken againſt the laws and religion of his country.

(39.) *Prius in ultimam Galliam ex Ægypto quam domum.*] Inſtead of returning from Egypt to Rome, where his debts would not ſuffer him to be eaſy, Antony went to Cæſar into Gaul; and after ſome ſtay in that province, being furniſhed with money and credit by Cæſar, he returned to Rome to ſue for the quæſtorſhip.

domum: quæ autem erat domus? ſuam enim quiſque domum tum obtinebat, neque erat uſquam tua: domum dico? quid erat in terris, ubi in tuo pedem poneres, (40.) præter unum Miſenum, quod cum ſociis (41.) tanquam Siſaponem tenebas?

XX. Veniſti è Gallia ad quæſturam petendam. Aude dicere, te prius ad parentem tuam veniſſe, quam ad me; acceperam enim jam ante Cæſaris literas, (42.) ut mihi ſatisfieri paterer à te: itaque ne loqui quidem ſum te paſſus de gratia; poſtea cultus ſum à te, tu à me obſervatus in petitione Quæſturæ; quo quidem tempore P. Clodium, approbante populo Romano, in foro es conatus occidere: cumque eam rem tua ſponte conarere, non impulſu meo; tamen ita prædicabas, te non exiſtimare, niſi illum interfeciſſes, unquam mihi pro tuis in me injuriis ſatis eſſe facturum: in quo demiror, cur Milonem impulſu meo rem illam egiſſe dicas, cum te ultro mihi idem illud deferentem nunquam ſum adhortatus: quanquam ſi in eo perſeveraſſes, ad tuam gloriam rem illam referri malebam, quam ad meam gratiam. Quæſtor es factus; (43.) deinde continuo ſine Senatuſconſulto, ſine ſorte, ſine lege ad Cæſarem cucurriſti; id enim unum in terris egeſtatis, æris alieni, nequitiæ, perditis vitæ rationibus perfugium eſſe ducebas. Ibi te cum & illius largitionibus, & tuis rapinis expleviſſes (ſi hoc eſt explere, quod ſtatim effundas) advolas egens ad Tribunatum, ut in eo magiſtratu, ſi poſſes, viri tui ſimilis eſſes.

XXI. Accipite nunc, quæſo, non ea, quæ ipſe in ſe atque in domeſticum dedecus impure atque intemperanter, ſed quæ in nos fortunaſque noſtras, id eſt, in univerſam rempublicam impie ac nefarie fecerit; ab hujus enim ſcelere omnium malorum principium natum reperietis. (44.) Nam cum L. Lentulo, C. Marcello Conſulibus,

NOTES.

(40.) *Præter unum Miſenum.*] A promontory of Campania, nigh which Antony had a ſeat.

(41.) *Tanquam Siſaponem.*] Siſapo was a town of Corduba in Spain, famous for its mines of red-lead. Cicero mentions it here by way of infamy. It alludes probably to ſome proverb taken from the colluſion of the farmers, in whoſe hands it was, or from their working under ground.

(42.) *Ut mihi ſatisfieri paterer à te.*] Antony had ſhewn himſelf Cicero's enemy in eſpouſing Clodius's party.

(43.) *Deinde continuo*, &c.] The quæſtors, who were the general receivers or treaſurers of the republic, were ſent annually into the ſeveral provinces, one with every proconſul or governor, to whom they were the next in authority; their reſpective provinces were aſſigned them by a decree of the ſenate, or by caſting of lots. But Antony, without any regard to laws or cuſtoms, went directly to Cæſar, as ſoon as he was made quæſtor.

(44.) *Nam cum L. Lentulo, C. Marcello conſulibus*, &c.] As ſoon as Lentulus and Marcellus, who were devoted to Pompey's intereſts, enter'd upon the conſulſhip, the ſenate voted a decree, that Cæſar ſhould diſmiſs his army by a certain day, or be declared an enemy. M. Antony and Q. Caſſius, two of the tribunes, oppoſed their negative to this, as they had done to every decree propoſed againſt Cæſar; and when they could not be perſuaded by the intreaties of their friends to withdraw their negative, the ſenate proceeded to that vote, which was the laſt

He went from Egypt into the farther Gaul, before he came to his own houſe. But what houſe? Every perſon at that time had a houſe of his own, but you had none. Houſe, do I ſay? what place was there on earth, where you could ſet your foot, except Miſenus alone; which, like another Siſapo, you and your companions poſſeſſed?

SECT. XX. You came from Gaul to ſtand for the quæſtorſhip. Dare you ſay that you viſited your mother before me? for I had received Cæſar's letters before, deſiring that I would permit you to make ſatisfaction; therefore I would not ſuffer you ſo much as to mention any apology. After that you attached yourſelf to me, and I countenanced you in your ſuit for the quæſtorſhip; at which time, with the approbation of all Rome, you attempted to kill P. Clodius in the forum: and tho' you attempted this of your own accord, not by my inſtigation, yet you declared that you could never make me ſufficient reparation for the injuries you had done me, unleſs you had killed him. For which reaſon I am ſurpriſed you ſhould now affirm, that Milo did it at my inſtigation; ſeeing I never encouraged you to do it, tho' you made me that offer of your own accord. Yet had you perſevered in your reſolution, I ſhould have choſen that that action had been accounted honourable for you, rather than advantageous for me. You was made quæſtor; upon which, without any authority of the ſenate, without any allotment, without any law, you inſtantly haſtened to Cæſar; for that you thought the only refuge on earth for indigence, debt, villainy, and deſperate circumſtances. There, when by his profuſion, and your own rapine you had glutted yourſelf, (if that may be called glutting which you inſtantly diſgorged) you flew, empty and beggarly as you was, to the tribuneſhip, that you might, as far as you could, in that office approve yourſelf like your huſband.

SECT. XXI. Hear now, I beſeech you, not what concerns the impurity and intemperance of his domeſtic infamy, but his impious and flagitious conduct againſt us, and our fortunes; that is, againſt the whole conſtitution: becauſe from his wickedneſs you will find that all our calamities have ſprung. For when, in the conſulſhip of L. Lentulus and C. Marcellus, you were deſirous, on the firſt of

NOTES.

laſt reſort in caſes of extremity, 'That the conſuls, prætors, tribunes, and all who were about the city with proconſular power, ſhould take care that the republic received no detriment.' As this was ſuppoſed to arm the magiſtrates with an abſolute power, to treat all men as they pleaſed, whom they judged to be enemies, the two tribunes immediately withdrew themſelves upon it, and fled to Cæſar's camp, on pretence of danger and violence to their perſons, though none was offered or deſigned to them.

ſulibus, Kalendis Januar labentem & prope cadentem rempublicam fulcire cuperetis, ipſique C. Cæſari, ſi ſana mente eſſet, conſulere veſtris opposuit, cerviceſque ſuas ei ſubjecit ſecuri, qua multi minoribus in peccatis occiderunt. In te autem, M. Antoni, id decrevit Senatus, & quidem incolumis, nondum tot luminibus exſtinctis, quod in hoſtem togatum decerni eſt ſolitum more majorum; & tu apud patres Conſcriptos contra me dicere auſus es, cum ab hoc ordine ego conſervator eſſem, tu hoſtis reipublicæ judicatus? Commemoratio illius tui ſceleris intermiſſa eſt, non memoria deleta: dum genus hominum, dum populi Romani nomen exſtabit (quod quidem erit, ſi per te licuerit, ſempiternum) tua illa peſtifera interceſſio nominabitur. Quid cupide à Senatu, quid temere fiebat, cum tu unus adoleſcens universum ordinem decernere de ſalute reipublicæ prohibuiſti? neque id ſemel, ſed ſæpius? neque tu tecum de Senatus auctoritate agi paſſus es? quid autem agebatur, niſi ne deleri & everti rempublicam funditus velles? cum te neque principes civitatis rogando, neque majores natu monendo, neque frequens Senatus agendo, de vendita atque addicta ſententia movere potuit? Tum illud, multis rebus ante tentatis, neceſſario tibi vulnus inflictum, quod paucis ante te, quorum incolumis fuit nemo; tum contra te dedit arma hic ordo Conſulibus, reliquiſque imperiis & poteſtatibus, quæ non effugiſſes, niſi te ad arma Cæſaris contuliſſes.

XXII. Tu, tu, inquam, M. Antoni, princeps C. Cæſari, omnia perturbare cupienti, cauſam belli contra patriam inferendi delegiſti. (45.) Quid enim aliud ille dicebat? quam cauſam dementiſſimi ſui conſilii & facti afferebat, niſi quod interceſſio neglecta, jus tribunitium ſublatum, circumſcriptus à Senatu eſſet Antonius? omitto quam hæc falſa, quam levia; præſertim cum omnino nulla cauſa juſta cuiquam eſſe poteſt contra patriam arma capiendi. Sed nihil de Cæſare: tibi certe confitendum eſt, cauſam perniciosiſſimi belli in perſona tua conſtitiſſe. O miſerum te, ſi intelligis! miſeriorem, ſi non intelligis hoc litteris mandari, hoc memoriæ prodi, hujus rei ne poſteritatem quidem omnium ſæculorum unquam immemorem fore, Conſules ex Italia expulſos, cumque his Cn. Pompeium, qui imperii populi Romani decus ac lumen fuit; omnes Conſulares, qui per

NOTES.

(45.) *Quid enim aliud ille dicebat?*] That Cæſar's real motive to begin the civil war, can be a ſecret to no perſon who knows any thing of his hiſtory, yet it is certain that Antony's flight gave the immediate pretext to it, and this Cicero had foretold. 'Cæſar,' ſays he, in a letter to Atticus, 'will betake 'himſelf to Arms, either for our want of 'preparation, or if no regard be had to him 'at the election of conſuls; but eſpecially 'if any tribune, obſtructing the deliberations 'of the ſenate, or exciting the people to ſe'dition, ſhould happen to be centured or 'over-ruled, or taken off, or expelled, or 'pretending to be expelled, run away to 'him.'——*Ad Att.* 7, 9.

January, of propping the tottering and almoſt falling conſtitution, and of favouring C. Cæſar himſelf, could he have been brought to a proper way of thinking; then did Antony oppoſe the venal and proſtitute tribuneſhip to your meaſures, and ſubjected his own neck to that ax, by which ſeveral had periſhed for crimes of a leſs heinous nature. But againſt you, M. Antony, the ſenate, while it was yet entire, and ſo many of its lights not yet extinguiſhed, decreed that puniſhment, which according to the cuſtom of our anceſtors, was commonly decreed againſt an enemy of his country. And have you dared to ſpeak againſt me before the ſenate, when by this aſſembly I have been adjudged the preſerver, and you the enemy of the ſtate? This your guilt has not indeed been mentioned for ſome time, but it is not forgotten. While the human race, while the Roman name ſhall remain, (and remain it will for ever, unleſs extinguiſhed by you) that pernicious oppoſition of yours ſhall be mentioned. What was done partially, what raſhly by the ſenate, when you, a ſingle youth, hinder'd that whole order from decreeing what concerned the public ſafety? and that not once, but often; nor would you ſuffer yourſelf to be reaſoned with about the authority of the ſenate. Yet what was their deſign, but to hinder you from aboliſhing and utterly overturning the conſtitution, when neither the principal perſons of the city by their intreaties, nor the elders of the people by their remonſtrances, nor a full ſenate by its deliberations, could ſhake your venal your proſtitute purpoſe? Then, many other previous methods being tried, that blow was neceſſarily inflicted upon you; which few before you had felt, and none without ſinking under its weight. Then did this aſſembly arm againſt you the conſuls, and our other commanders and powers, whoſe vengeance you had never eſcaped, if you had not fled for protection to Cæſar's army.

SECT. XXII. You, M. Antony, you, I ſay, was the firſt, who furniſhed Cæſar, already deſirous of throwing every thing into confuſion, with a pretext of waging war againſt his country. For what elſe did he ſay? what other reaſon did he aſſign for his outrageous reſolutions and proceedings, but that the interceſſion was neglected, the tribunitial authority aboliſhed, and Antony over-ruled by the ſenate? I ſhall not ſay how falſe how trifling theſe excuſes are, eſpecially as no perſon can poſſibly have any juſt reaſon for taking up arms againſt his country. But I ſhall ſay nothing of Cæſar; yet you muſt certainly confeſs, that the cauſe of that moſt deſtructive war was founded in your perſon. O wretched man! if thou perceiveſt; more wretched if thou doſt not perceive that this is committed to hiſtory, that this ſtands upon record, that no future age will ever forget this fact; that the conſuls were expelled Italy, and with them Pompey, the light and ornament of the Roman empire; that all the conſulars,

per valetudinem exſequi cladem illam fugamque potuiſſent, Prætores, Prætorios, Tribunos plebis, magnam partem Senatus, omnem ſobolem juventutis, unoque verbo rempublicam expulſam, atque exterminatam ſuis ſedibus. Ut igitur in ſeminibus eſt cauſa arborum & ſtirpium; ſic hujus luctuoſiſſimi belli ſemen tu fuiſti. (46.) Doletis tres exercitus populi Romani interfectos; interfecit Antonius: (47.) deſideratis clariſſimos cives; eos quoque eripuit vobis Antonius: auctoritas hujus ordinis afflicta eſt; afflixit Antonius: omnia denique, quæ poſtea vidimus (quid autem mali non vidimus?) ſi recte ratiocinabimur, uni accepta referemus Antonio: ut Helena Trojanis, ſic iſte huic reipublicæ cauſa belli, cauſa peſtis atque exitii fuit. Reliquæ partes Tribunatûs principio ſimiles: omnia perfecit, quæ Senatus ſalva republica, ne fieri poſſent, perfecerat; cujus tamen ſcelus in ſcelere cognoſcite.

XXIII. Reſtituebat multos calamitoſos; (48.) in his patrui nulla mentio: ſi ſeverus, cur non in omnes? ſi miſericors, cur non in ſuos? ſed omitto cæteros. Licinium Denticulam de alea condemnatum, colluſorem ſuum, reſtituit: quaſi vero ludere cum condemnato non liceret: (49.) ſed ut, quod ille in alea perdiderat, beneficio legis diſſolveret. Quam attuliſti rationem populo Romano, cur eum reſtitui oporteret? abſentem credo in reos relatum; rem indicta cauſa judicatam; nullum fuiſſe de alea lege judicium; vi oppreſſum & armis; poſtremo, quod de patruo tuo dicebatur, pecunia judicium eſſe corruptum: nihil horum. At vir bonus & republica dignus. Nihil id quidem ad rem: ego tamen, quoniam condemnatum eſſe pro nihilo eſt, ſi ita eſſet, ignoſcerem; hominem omnium nequiſſimum, qui non dubitaret vel in foro alea ludere, lege, quæ eſt de alea, condemnatum qui in integrum reſtituit, is non apertiſſime ſtudium ſuum ipſe profitetur? In eodem vero Tribunatu, cum Cæſar in Hiſpaniam proficiſcens huic conculcandam Italiam tradidiſſet; quæ fuit ejus peragratio itinerum? luſtratio municipiorum? Scio me in rebus celebratiſſimis ſermone omnium verſari; eaque quæ dico dicturuſque

NOTES.

(46.) *Doletis tres exercitus populi Romani interfectos.*] *viz.* Pompey's, in the plains of Pharſalia; Afranius's in Spain; and Scipio's in Africa.

(47.) *Deſideratis clariſſimos viros.*] *viz.* Cato, Lentulus, Marcellus, Domitius, and many other perſons of eminence, who periſhed in the civil war.

(48.) *In his patrui nulla mentio.*] This was C. Antonius, who was conſul with Cicero; upon the expiration of his office, he had Macedonia aſſigned to him for his province; for the male-adminiſtration of which he was impeached and brought to a trial; and being found guilty, was condemned to perpetual exile.

(49.) *Sed ut, quod ille in alea perdiderat, beneficio legis diſſolveret.*] Commentators are divided in the interpretation of this paſſage. By *beneficio legis*, Abramius thinks is meant a ſum of money which Antony received for paſſing the law for Denticula's reſtoration; ſo that the ſenſe of the paſſage, according to him, is, that with this ſum Antony might pay off the money he had borrowed, and loſt at gaming. The commentator *in uſum Delphini* is of opinion, that the paſſage refers to

whoſe health would permit them to join in that rout and flight; that the prætors, the prætorians, the tribunes of the people, a great part of the ſenate, the whole body of our youth; in one word, that the republic was driven out and exterminated from its own habitations. As trees and plants therefore ſpring from ſeeds, ſo are you the ſeed of this moſt deplorable war. You are grieved that three Roman armies are cut off; they were cut off by Antony. Ye lament the loſs of many eminent citizens; it was Antony that deprived you of them. The authority of this order is wounded; it is wounded by Antony. In ſhort, all the calamities we have beheld ever ſince (and what calamities have we not beheld?) if we will reaſon right, were owing to Antony alone. As Helen was to the Trojans, ſo has Antony been the occaſion of war, miſery and deſtruction to this ſtate. The reſt of his tribuneſhip was of a piece with its beginning. He did every thing that the ſenate, while the conſtitution was inviolated, had taken care to prevent. But how villainous he was in the exerciſe of his villainy, you ſhall now hear.

SECT. XXIII. He reſtored many condemned perſons, but never mentioned his uncle. If he was ſevere, why not ſevere againſt all? if merciful, why not ſo to his own relations? But, to paſs over the reſt, he has reſtored his play-fellow Licinius Denticula, who was condemned for gaming, as if indeed it were unlawful to play with a condemned perſon; but this was done, that what he loſt by gaming, he might clear by the benefit of the law. What reaſon did you aſſign to the people of Rome why he ſhould be reſtored? An information had been granted againſt him, I ſuppoſe, in his abſence; the affair determined without enquiring into the merits of the cauſe; there was no expreſs law againſt gaming; he was overpowered by force and arms; in a word, as was ſaid of your uncle, the trial was influenced by money. None of theſe reaſons was aſſigned; but he was a good man, and a worthy citizen: that too is nothing to the purpoſe. Yet, as you alledge that he was unjuſtly condemned, if this were true, I could forgive him. But he that reſtores the moſt abandoned of mankind, a man that did not ſcruple playing at dice even in the forum, and condemned by the law againſt gaming, does he not evidently profeſs his own paſſion for it? Moreover, in the ſame tribuneſhip, when Cæſar, at his departure for Spain, delivered up Italy to be trampled upon by this fellow, what a progreſs did he make over the country? what a review of the municipal towns? I know that I am now treating of matters publicly talked of by all; and

NOTES.

to Denticula. This is the ſenſe in which we have taken it, as appearing to us the moſt natural. The Reader may take which he pleaſes.

dicturuſque ſum, notiora omnibus eſſe, qui in Italia tum fuere, quam mihi, qui non fui: notabo tamen ſingulas res: etſi nullo modo poterit oratio mea ſatisfacere veſtræ ſcientiæ. Etenim quod unquam in terris tantum flagitium, exſtitiſſe auditum eſt? tantam turpitudinem? tantum dedecus?

XXIV. (50.) Vehebatur in eſſedo Tribunus plebis: Lictores laureati antecedebant: inter quos, aperta lectica, mima portabatur: quam ex oppidis municipales, homines honeſti, obviam neceſſario prodeuntes, non noto illo & mimico nomine, ſed Volumniam conſalutabant: (51.) ſequebatur rheda cum lenonibus: comites nequiſſimi: rejecta mater amicam impuri filii, tanquam nurum, ſequebatur. O miſeræ mulieris fœcunditatem calamitoſam! Horum flagitiorum iſte veſtigiis omnia municipia, præfecturas, colonias, totam denique Italiam impreſſit. Reliquorum factorum ejus, P. C. difficilis eſt ſane reprehenſio, & lubrica; verſatus in bello eſt; ſaturavit ſe ſanguine diſſimillimorum ſui civium; fuit felix, ſi poteſt ulla eſſe in ſcelere felicitas. Sed quoniam veteranis cautum eſſe volumus, quanquam diſſimilis eſt militum cauſa, & tua; illi ſecuti ſunt, tu quæſiſti ducem: tamen, ne apud illos me in invidiam voces, nihil de belli genere dicam. (52.) Victor è Theſſalia Brunduſium cum legionibus revertiſti: ibi me non occidiſti; magnum beneficium: potuiſſe enim fateor; quanquam nemo erat eorum, qui tum tecum fuerunt, qui mihi non cenſeret parci oportere; tanta enim eſt caritas patriæ, ut veſtris etiam legionibus ſanctus eſſem, quod eam à me ſervatam eſſe meminiſſent: ſed fac id te dediſſe mihi, quod non ademiſti; meque à te habere vitam, quia à te non ſit erepta: licuitne mihi per tuas contumelias hoc beneficium ſic tueri, ut tuebar, præſertim cùm te hæc auditurum videres?

XXV.

NOTES.

(50.) *Vehebatur in eſſedo Tribunus plebis.*] The *eſſedum* was, properly, a ſort of waggon, from which the Gauls and the Britons uſed to aſſail the Romans in their engagements with them.— It would appear from this paſſage that the tribunes of the people, while they continued in their office, were not allowed to ride in a chariot, or any other vehicle. What Plutarch ſays, (*quæſt. Rom.* p. 81.) ſeems to favour this conjecture: his words are theſe: *Cum autem tribunus plebis à plebe ſumpſerit originem, in eo vis ejus eſt omnis, ut ſit valde popularis, ejuſque omnis amplitudo ea, ut non majores ſpiritus ſumat quam cæteri, ſed et habitu corporis et veſte et viſendi ratione ſimilis cuicunque civium. Nam pompa conſuli convenit et prætori: at vero tribunum plebis, ut aiebat C. Curio, conculcari oportet, neque ſpecie majeſtatem præferre, aut eſſe inacceſſum, et multitudini difficilem, ſed ita ſuper alios omnes eminere, ut tamen poſſit facile conveniri. Et eam ob rem neque illi domus januas claudere fas eſt, ſed diu noctuque aperit, tanquam portus et perfugium indigentibus. Quo magis autem externa ſpecie corporis abjectus eſt, eo magis poteſtate attollitur.*

(51.) *Sequebatur rheda cum lenonibus.*] Some commentators of very conſiderable learning are for reading *leonibus*, inſtead of *lenonibus*; they think that Cicero wanted to intimate what Pliny has left upon record, 8. S. chap. 16. His words are theſe: *Primus leones ramæ ad currum junxit M. Antonius, et quidem civili bello, cum dimicatum eſſet in Pharſalicis campis; non ſine oſtento quodam temporum, generoſos ſpiritus jugum ſubire illi prodigio ſignificante. Nam quod ita rectu-*

and what I now ſay, or am about to ſay, is much better known to thoſe who were then in Italy, than to me who was not. Yet I ſhall take notice of each particular fact, tho' all I can ſay muſt fall ſhort of what you know. For was ever ſo villainous, ſo baſe, ſo infamous a conduct heard of in this world?

SECT. XXIV. A tribune of the people rode in a chariot: laurell'd lictors went before him: and an actreſs was carried about in an open ſedan. As the inhabitants of the municipal towns, men of credit, were obliged to meet her on the road, they ſaluted her not by her known and theatrical name, but by the name of Volumnia. A chariot, full of bawds, followed; his attendants were perſons of the moſt infamous characters; the ſlighted mother followed the miſtreſs of her abominable ſon, as if ſhe had been her daughter-in-law: deplorable fruitfulneſs of an afflicted woman! Traces of his lewdneſs he left in all our municipal towns, præfectures, colonies; and, in a word, in all Italy. It is difficult and dangerous, Conſcript Fathers, to point out his other deteſtable deeds. He became a military man, and glutted himſelf with the blood of citizens very unlike himſelf; he was fortunate too, if a guilty perſon can be ſaid to be fortunate. But as I muſt beware of reproaching his veterans, and leſt he ſhould ſtir up their hatred againſt me, I ſhall ſay nothing of the nature of the war: tho' after all, the caſe of the ſoldiers is widely different from yours: they followed, you ſought a leader. You returned victorious from Theſſaly to Brunduſium with the legions. There you did not kill me: A great favour, truly; for I confeſs you had it in your power: tho' there was not one of thoſe that were with you, who did not think that you ought to ſpare me. For ſo great is the love of our country, that my perſon was ſacred to your legions, becauſe they remembred that by me their country had been preſerved. But, granting that you gave me what you did not take away; and that I now enjoy life by your bounty, becauſe you did not deprive me of it; have your reproaches permitted me to view this favour in the light I uſed to do; eſpecially as you could not but ſee that you muſt hear of theſe things again.

SECT.

NOTES.

ſt cum Mima Cytheride, ſupra monſtra etiam illarum calamitatum fuit. We cannot help, however, agreeing with Ferrarius, who ſays, that if *lenibus* were the true reading, Cicero would not have barely mentioned ſo extraordinary a circumſtance, but would have dwelt longer upon it, agreeably to his uſual manner.

(52.) *Victor è Theſſalia Brunduſium cum legionibus reverſus.*] After the battle of Pharſalia, Cæſar ſent back a great part of his army into Italy, under the command of Antony, and purſued Pompey with the remainder of his forces.

XXV. Veniſti Brunduſium in ſinum quidem & in complexum tuæ mimulæ: quid eſt? num mentior? quam miſerum eſt id negare non poſſe, quod ſit turpiſſimum confiteri? ſi te municipiorum non pudebat; ne veterani quidem exercitûs; quis enim miles fuit, qui Brunduſii illam non viderit? quis, qui neſcierit, (53.) veniſſe eam tibi tot dierum viam gratulatum? quis, qui non indoluerit, tam ſero ſe, quàm nequam hominem ſecutus eſſet, cognoſcere? Italiæ rurſus percurſatio, eadem comite mima: in oppida militum crudelis & miſera deductio: in urbe auri, argenti, maximeque vini, fœda direptio. Acceſſit, ut, Cæſare ignaro, cum eſſet ille Alexandriæ, (54.) beneficio amicorum ejus Magiſter Equitum conſtitueretur: tum exiſtimavit ſe ſuo jure cum Hippia vivere, & equos vectigales Sergio mimo tradere; tum ſibi non hanc, quam nunc male tuetur, ſed M. Piſonis domum, ubi habitaret, legerat. Quid ego iſtius decreta, quid rapinas, quid hæreditatum poſſeſſiones datas, quid ereptas proferam? cogebat egeſtas; quo ſe verteret, non habebat: nondum ei tanta à L. Rubrio, non à L. Turſelio hæreditas venerat: nondum in Cn. Pompeii locum, multorumque aliorum, qui aberant, repentinus hæres ſucceſſerat: erat ei vivendum latronum ritu, ut tantum haberet, quantum rapere potuiſſet. Sed hæc, quæ robuſtioris improbitatis ſunt, omittamus: loquamur potius de nequiſſimo genere levitatis. Tu iſtis faucibus, iſtis lateribus, iſta gladiatoria totius corporis firmitate, tantum vini in Hippiæ nuptiis exhauſeras, ut tibi neceſſe eſſet in populi Rom. conſpectu vomere poſtridie. O rem non modo viſu fœdam, ſed etiam auditu! Si inter cœnam, in ipſis tuis immanibus illis poculis, hoc tibi accidiſſet, quis non turpe duceret? in cœtu verò populi Romani negotium publicum gerens, Magiſter Equitum, cui ructare turpe eſſet, (55.) is vomens, fruſtis eſculentis, vinum redolentibus, gremium ſuum & totum tribunal implevit. Sed hoc ipſe fatetur eſſe in ſuis ſordibus: veniamus ad ſplendida.

XXVI. Cæſar Alexandria ſe recepit, felix, ut ſibi quidem videbatur; meâ autem ſententiâ, qui reipublicæ ſit infelix, felix eſſe non poteſt

NOTES.

(53.) *Veniſſe eam tibi tot dierum viam gratulatum.*] Lipſius tells us, that Brunduſium was 350 miles from Rome; ſo that at the rate of travelling five-and-twenty miles a day, Cytheris muſt have been fourteen days on her journey. Horace, in the account he gives of his journey from Rome to Brunduſium, in the firſt book of his Satires, intimates that it took up fifteen days.

(54.) *Beneficio amicorum ejus magiſter equitum conſtitueretur.*] When the news of the battle of Pharſalia, and of Pompey's death, reached Rome, Cæſar was declared dictator the ſecond time in his abſence, and Antony his maſter of the horſe; which Cicero here intimates was owing to Antony's friends, and that Cæſar knew nothing of the matter. But Plutarch gives a different account of the affair. See his Life of Antony.

(55.) *Is vomens, fruſtis eſculentis.*] Rollin, in his *Belles Lettres*, obſerves that there is delicacy in the French, which would not a

SECT. XXV. You came to Brunduſium, to the very boſom and embraces of your little actreſs. How! don't I ſpeak truth? How wretched it is, not to be able to deny what it is ſhameful to confeſs! If you were not aſhamed to expoſe yourſelf thus to the municipal towns, were you not aſhamed to expoſe yourſelf to your veteran army? For what ſoldier was there, who did not ſee her at Brunduſium? who, that was ignorant of her coming ſo many days journey, to give you joy? who, that was not ſorry he perceived ſo late, what an infamous wretch he followed? You made a ſecond tour of Italy, accompanied by the ſame actreſs: cruel and miſerable was the quartering of your ſoldiers upon the towns; ſcandalous the plunder of gold and ſilver, but chiefly of wine in the city. To this was added, that without the knowledge of Cæſar, who was at Alexandria, Antony, by the favour of his friends, was appointed maſter of the horſe. Then he thought he had a right to live publicly with Hippias, and to deliver the tributary horſes to Sergius the player. He then choſe the houſe of M. Piſo, and not that which he now ſcandalouſly poſſeſſes. Why ſhould I publiſh his decrees, his rapaciouſneſs, the eſtates he beſtowed, and thoſe which he violently ſeized? poverty compelled him to it; to what hand to turn himſelf he knew not. He was not as yet in poſſeſſion of the large eſtate left him by L. Rubrius, and that left him by L. Turſelius; he had not as yet become all of a ſudden the heir of Pompey, and a great many others who were abſent. He was then obliged to live after the manner of robbers, having juſt as much as he could get by plunder. But let us paſs over the inſtances of his enormous wickedneſs, and proceed rather to his infamous levity. At the marriage of Hippias, you gorged yourſelf ſo with wine, that notwithſtanding that throat, thoſe ſides, and that Herculean body of yours, you were obliged the next day to vomit it up in the ſight of the people of Rome. An abomination! the ſight or mention of which muſt create abhorrence. Had you done this at ſupper, amidſt your exceſſive drinking, who would not have thought it ſcandalous? but in an aſſembly of the Roman people, the maſter of the horſe, in whom it would have been thought beaſtly even to belch, vomited, when tranſacting public affairs, and filled his own boſom, and the whole tribunal, with indigeſted morſels, ſmelling rank of wine. But this he confeſſes to be one of his blemiſhes; let us now proceed to the ſhining parts of his character.

SECT. XXVI. Cæſar left Alexandria, happy in his own opinion, but in mine, he who renders his country unhappy, muſt be miſer-

NOTES.

mit of a tranſlation of this paſſage; and indeed the painting is ſo ſtrong, and the ideas ſo indelicate, that in any language it muſt offend the reader.

poteſt: (56.) haſta poſita (57.) pro æde Jovis Statoris, bona Cn. Pompeii (miſerum me! conſumptis enim lacrymis, tamen infixus animo hæret dolor) bona, inquam, Pompeii Magni, voci acerbiſſimæ ſubjecta præconis: una in illa re ſervitutis oblita civitas ingemuit; ſervientibuſque animis, cum omnia metu tenerentur, gemitus tamen populi Romani liber fuit: expectantibus omnibus, quiſnam eſſet tam impius, tam demens, tam dis hominibuſque hoſtis, qui ad illud ſcelus ſectionis auderet accedere, inventus eſt nemo, præter Antonium; præſertim cum tot eſſent circum haſtam illam, qui alia omnia auderent; unus inventus eſt, qui id auderet, quod omnium fugiſſet & reformidaſſet audacia. Tantus igitur te ſtupor oppreſſit, vel, ut verius dicam, tantus furor, ut, primum cum ſector ſis iſto loco natus, deinde cum Pompeii ſector, non te exſecrandum populo Romano, non deteſtabilem, non omnes tibi deos, non omnes homines, & eſſe inimicos, & futuros ſcias? At quam inſolenter ſtatim helluo invaſit in ejus viri fortunas, cujus virtute terribilior erat populus Romanus exteris gentibus, juſtitiâ carior?

XXVII. In ejus igitur viri copias cùm ſe ſubito ingurgitaviſſet, exſultabat gaudio, perſona de mimo, modo egens, repente dives; ſed, ut eſt apud poëtam neſcio quem, *Male parta, male dilabuntur*: incredibile ac ſimile portenti eſt, quonam modo illa tam multa, quam paucis, non dico menſibus, ſed diebus effuderit: maximus vini numerus fuit, permagnum optimi pondus argenti, pretioſa veſtis multa, & lauta ſupellex, & magnifica multis locis, non illa quidem luxurioſi hominis, ſed tamen abundantis: horum paucis diebus nihil erat. Quæ Charybdis tam vorax? Charybdin dico? (58.) quæ ſi fuit, fuit animal unum. Oceanus, medius fidius, vix videtur tot res, tam diſſipatas, tam diſtantibus in locis poſitas, tam cito abſorbere potuiſſe. Nihil erat clauſum, nihil obſignatum, nihil ſcriptum; apothecæ

NOTES.

(56.) *Haſta poſita.*] In all public auctions a ſpear was ſet up in the place of ſale. As it was the common badge and enſign of power among the ancients, Grævius thinks this was done to ſignify that they were made by a lawful commiſſion.

(57.) *Pro æde Jovis Statoris.*] This temple was built by Romulus, upon the following occaſion: The Sabines, in one of their engagements with the Romans, had taken poſſeſſion of the Capitoline hill, and rolling great ſtones from the top of it, one of them hit Romulus upon the head, and ſtunned him; ſo that falling down, ſenſeleſs, he was carried out of the field into the city. Upon this the Romans were put to flight, and purſued to the very gates of Rome. Romulus, however, recovering his ſenſes, rallied his troops, put himſelf again at their head, and drove back the enemy. We are told, that in the moſt critical minute of the day, when the Romans were flying before the enemy, Romulus made a vow to Jupiter, in order to obtain his favour for the ſpeedy rallying of his troops; and that, as fortune would have it, they ſtopped at the ſight of their general, upon his return to the field of battle. Out of a belief therefore, that this was a particular bleſſing of heaven, he erected a temple to Jupiter, whom he called *Stator*; becauſe the Romans recovering from their fright made a ſtand, and faced the enemy.

(58.) *Quæ ſi fuit, fuit animal unum.*] Charybdis is a dangerous whirlpool in the ſtreights of Sicily, near the coaſt of Taurominium, on the eaſtern ſide of Demona, over againſt Scylla, a fatal rock. Hence the proverb, *Incidit in Scyllam, cupiens vitare Charybdim*; it being very hard for paſſengers to avoid the one or other of them. They are

able. At a public auction, before the temple of Jupiter Stator, the goods of Pompey, (oh wretched me! my tears are indeed exhauſted, but my heart is penetrated with grief,) the goods, I ſay, of Pompey the Great, were put up by the doleful voice of a public crier. In this ſingle inſtance did the city groan, forgetting her ſlavery; and tho' all were poſſeſſed by fear, yet the groans of the Roman people found a free paſſage even from enthralled boſoms. While all were filled with expectation to ſee who would be ſo impious, ſo frantic, ſo great an enemy to gods and men, as to dare to bid at this villainous ſale, no one was found to have aſſurance enough, but Antony; which was the more remarkable, as there were ſo many then preſent, who had aſſurance enough to do any thing elſe. There was only one perſon, who durſt venture upon what the moſt conſummate impudence would have ſtartled at. Did ſuch ſtupidity then, or to ſpeak more properly, ſuch madneſs poſſeſs you, as not to know that being deſcended of ſuch a family, by becoming a bidder in that place, and a bidder too for Pompey's goods, you rendered yourſelf odious and deteſtable to the Roman people, and incurred not only the preſent but the future reſentment both of gods and men? But how inſolently that voracious monſter ſeized upon the goods of that man, whoſe courage rendered the Romans formidable, and whoſe juſtice made them dear, to foreign nations!

SECT. XXVII. Having then, all of a ſudden, immerſed himſelf in the wealth of this great man, he was tranſported with joy; like the character in the play, he was poor this inſtant, and rich the next. But as a certain poet expreſſes it, I forget who, *what ſlightly comes, ſlightly goes.* It is incredible, it is amazing, how he could poſſibly ſquander ſuch immenſe wealth, I will not ſay in ſo few months, but days. Prodigious was the quantity of wine, prodigious that of maſſy plate; a rich wardrobe; great variety of elegant and noble furniture, ſuch as beſpoke not luxury, but plenty: yet all was diſſipated in a few days. What Charybdis ſo voracious! Charybdis do I ſay? if there ever was ſuch a monſter, ſhe was only a ſingle one: the ocean itſelf, by heavens, ſeems ſcarce capable of ſwallowing up ſo much wealth, ſo widely ſcattered, and ſituated in ſo many diſtant places, in ſo ſhort a ſpace of time. There was nothing ſhut up, nothing ſealed, nothing committed to writing. Whole cellars

NOTES.

are repreſented by the poets, as hideous devouring monſters. Charybdis is given out to have been a rapacious whore, who, having taken away Hercules's oxen, was thunderſtruck by Jupiter, and thrown into the ſea, where ſhe was transformed into a devouring whirlpool. Virgil, in the third book of the Æneid, ver. 424. gives us the fabulous deſcription of Scylla: ſhe was the daughter of Phorcus, whom Circe is ſaid to have tranſformed into a monſter, becauſe ſhe was her rival.

thecæ totæ nequiſſimis hominibus condonabantur: alia mimi rapiebant, alia mimæ: domus erat aleatoribus referta, plena ebriorum: totos dies potabatur, atque id locis pluribus: ſuggerebantur etiam ſæpe (non enim ſemper iſte felix) damna aleatoria: conchyliatis Cn. Pompeii periſtromatis ſervorum in cellis lectos ſtratos videres. Quamobrem definite mirari, hæc tam celeriter eſſe conſumpta; non modo unius patrimonium, quamvis amplum, ut illud fuit, ſed urbes & regna celeriter tanta nequitia devorare potuiſſet. At ejuſdem ædes etiam & hortos. O audaciam immanem! tu etiam ingredi illam domum auſus es? tu illud ſanctiſſimum limen intrare? tu illarum ædium diis penatibus os importuniſſimum oſtendere? Quam domum aliquamdiu nemo aſpicere poterat, nemo ſine lacrymis præterire, hac te in domo tamdiu diverſari non pudet? in qua, quamvis nihil ſapias, tamen nihil tibi poteſt eſſe jucundum.

XXVIII. An tu illa in veſtibulo (59.) roſtra, ſpolia cum adſpexiſti, domum tuam te introire putas? fieri non poteſt: quamvis enim ſine mente, ſine ſenſu ſis, ut es, tamen & te, & tua, & tuos noſti; nec vero te unquam neque vigilantem, neque in ſomnis credo mente poſſe conſiſtere. Neceſſe eſt, quamvis ſis, ut es, violentus & furens, cum tibi objecta ſit ſpecies ſingularis viri, perterritum te de ſomno excitari, furere etiam ſæpe vigilantem. Me quidem miſeret parietum ipſorum, atque tectorum: quid enim unquam domus illa viderat, niſi pudicum, niſi ex optimo more & ſanctiſſima diſciplina? fuit enim ille vir, P. C. ſicut ſcitis, (60.) cum foris clarus, tum domi admirandus; neque rebus externis magis laudandus, quam inſtitutis domeſticis: hujus in ædibus pro cubiculis ſtabula, pro tricliniis popinæ ſunt: etſi jam negat; nolite, nolite quærere; frugi factus eſt; mimam illam ſuam ſuas res ſibi habere juſſit, ex duodecim tabulis; claves ademit, foraſque exegit: quam porro ſpectatus civis, quam probatus; cujus ex omni vita nihil eſt honeſtius, quam quod

NOTES.

(59.) *Roſtra, ſpolia cum adſpexiſti.*] The Romans, it would appear, had a great pride in ornamenting their porches, and the avenues to their houſes. Pompey, having been ſucceſsful in the war againſt the pyrates, had his ornamented with naval ſpoils.

(60.) *Cum foris clarus, tum domi admirandus,* &c.] In Cicero's writings, we ſometimes find Pompey's character heightened by the ſhining colours of eloquence, ſometimes depreſſed by the darker ſtrokes of reſentment: but his true character ſeems to have been that of an honeſt, grave, and worthy man, as our orator repreſents him in a letter to Atticus. He had early acquired the ſurname of *the great,* by that ſort of merit, which, from the conſtitution of the Roman republic, neceſſarily made him GREAT; a fame and ſucceſs in war, ſuperior to what Rome had ever known, in the moſt celebrated of her generals. He had triumphed at three ſeveral times over the three different parts of the known world, Europe, Aſia, Africa; and by his victories had almoſt doubled the extent, as well as the revenues of the Roman dominion; for, as he declared to the people on his return from the Mithridatic war, *he found the leſſer Aſia the boundary, but left it the middle of the empire.* What leiſure he found from his wars, he employed in the ſtudy of polite letters, and eſpecially of eloquence; in which he would have acquire

cellars of wine were laviſhed upon the moſt infamous wretches; ſome things became the plunder of actors, ſome of actreſſes; the houſe ſwarmed with gameſters and drunkards; whole days were conſumed in revelling, and that in different places; to theſe things were frequently added great loſſes at gaming; for Antony himſelf was not always lucky. There you might have ſeen the beds of ſlaves covered with Pompey's purple quilts of rich tapeſtry. Ceaſe then to wonder, that all theſe things were ſo ſoon diſſipated. Such wild profuſion muſt quickly have conſumed not only the wealth of one man, how great ſoever, but whole cities and kingdoms. Even his houſes and gardens did this man ſwallow up. Conſummate impudence! And had you the aſſurance to enter that houſe? to croſs that ſacred threſhold? to preſent your dauntleſs front before the houſhold gods of that family? Was you not aſhamed to dwell ſo long in a houſe, which none for a long time could behold, none could paſs by, without ſhedding tears? A houſe in which, ſenſeleſs as you are, not one ſingle thing could afford you pleaſure.

SECT. XXVIII. Did you imagine you was entering your own houſe, when you beheld the beaks of ſhips and other naval ſpoils that adorned its porch? It is impoſſible: for ſenſeleſs and inconſiderate as you are, yet ſtill you know your friends, yourſelf, and what belongs to you. Nor indeed do I think it poſſible that you could, either awake or aſleep, enjoy any tranquillity of mind: for violent and frantic as you are, when the form of that extraordinary man preſented itſelf to your imagination, you muſt have been rouzed out of your ſleep with horror, and even have been often ſeized with frenzy, when awake. As for me, I really pity its very walls and roofs. For what did that houſe ever behold but the greateſt modeſty, purity, and ſanctity of manners? For Pompey, Conſcript Fathers, as you very well know, was both eminent abroad, and to be admired at home; nor more to be commended for his public conduct, than for his domeſtic diſcipline: yet under his roofs are brothels now inſtead of bed-chambers, and tippling-ſhops inſtead of dining-rooms. But Antony denies all this. Give over, give over making any enquiry: he is now become frugal; he has divorced his actreſs, according to the laws of the twelve tables; he has taken away his keys from her, and turned her out of doors. How excellent, how worthy a citizen, the moſt commendable action of whoſe whole life is his divorcing an actreſs! But how often does he talk of his being

NOTES.

quired great fame, if his genius had not drawn him to the more dazzling glory of arms: yet he pleaded ſeveral cauſes with applauſe, in the defence of his friends and clients; and ſome of them in conjunction with Cicero. His language is ſaid to have been copious and elevated; his ſentiments juſt; his voice ſweet; his action noble, and full of dignity.

quod cum mima fecit divortium? At quam crebro uſurpat, *Et Conſul, & Antonius?* hoc eſt dicere, & Conſul, & impudiciſſimus; & Conſul, & homo nequiſſimus: quid enim eſt aliud Antonius? nam ſi dignitas ſignificaretur in nomine, dixiſſet aliquando, credo, avus tuus, Et Conſul, & Antonius; nunquam dixit: dixiſſet etiam collega meus, patruus tuus: niſi tu ſolus es Antonius. Sed omitto ea peccata, quæ non ſunt earum partium propria, quibus tu rempublicam vexaviſti: ad ipſas tuas partes redeo, id eſt, ad civile bellum: quod natum, conflatum, ſuſceptum operâ tuâ eſt.

XXIX. Cui bello cum propter timiditatem tuam, tum propter libidines defuiſti: guſtaras civilem ſanguinem, vel potius exſorbueras: fueras in acie Pharſalica anteſignanus: L. Domitium, nobiliſſimum & clariſſimum virum, occideras: multos, qui è prœlio effugerant, quos Cæſar, ut nonnullos, fortaſſe ſervaſſet, crudeliſſime perſecutus trucidaras; quibus rebus tantis, talibus geſtis, quid fuit cauſæ, cur in Africam Cæſarem non ſequerere, cum præſertim belli pars tanta reſtaret? Itaque quem locum apud ipſum Cæſarem, poſt ejus ex Africa reditum, obtinuiſti? quo numero fuiſti? cujus tu imperatoris Quæſtor fueras, Dictatoris Magiſter Equitum, belli princeps, crudelitatis auctor, prædæ ſocius, teſtamento, ut ipſe dicebas, filius, (61.) appellatus es de pecunia, quam pro domo, pro hortis, pro ſectione debebas: primo reſpondiſti plane ferociter; & (ne omnia videar contra te) propemodum æqua & juſta dicebas. A me C. Cæſar pecuniam? cur potius, quàm ego ab illo? an ille ſine me vicit? at ne potuit quidem: ego ad illum belli civilis cauſam attuli; ego leges pernicioſas rogavi; ego arma contra Conſules imperatoreſque populi Romani, contra Senatum populumque Romanum, contra deos patrios, araſque & focos, contra patriam tuli: num ſibi ſoli vicit? quorum facinus eſt commune, cur non ſit eorum præda communis? Jus poſtulabas: ſed quid ad rem? plus ille poterat. Itaque excuſſis tuis vocibus, & ad te, & ad prædes tuos milites miſit: cum, repente à te præclara illa tabula prolata, qui riſus hominum? tantam eſſe tabulam, tam varias, tam multas poſſeſſiones, ex quibus præter partem Miſeni, nihil erat, quod is, qui auctionaretur, poſſet ſuum dicere. Auctionis vero miſerabilis adſpectus, veſtis Pompeii non

NOTES.

(61.) *Appellatus es de pecunia, quam pro domo* &c.] Antony bought Pompey's houſes in Rome, and the neighbourhood, with all their rich furniture, at Cæſar's auction; but truſting to his intereſt with Cæſar, and to the part which he had borne in advancing him to his power, never dreamt of being obliged to pay for them; but Cæſar, diſguſted with his debaucheries and extravagance, reſolved to ſhew himſelf the ſole maſter, nor ſuffer any contradiction to his will; accordingly he gave peremptory orders to L. Plancus, the prætor, to require immediate payment of Antony, or elſe to levy the money upon his ſureties, according to the tenor of their bond. This provoked Antony to ſuch a degree, that in the height of his reſentment, he is ſaid to have entered into a deſign of taking away Cæſar's life, of which Cæſar himſelf complained openly in the ſenate.

being both *Conſul and Antony?* that is to ſay, both Antony and the vileſt fellow breathing; both Antony, and the greateſt villain on earth. For what elſe is meant by *Antony?* If any dignity were implied in the name, your grandfather, I ſuppoſe, would ſometimes have ſtiled himſelf both *Conſul and Antony.* Yet he never did; my colleague, your uncle, would have done the ſame, unleſs you are the only perſon of the name of Antony. But I paſs over thoſe faults, which are not peculiar to that character in which you have haraſſed your country; let me return to that ſcene, in which you was a principal actor; I mean the civil war, which was begun, contrived, and undertaken by your means.

SECT. XXIX. Your cowardice and your luſt render'd you unequal to this war. You had taſted or rather ſwallowed down the blood of your countrymen: in the battle of Pharſalia you led the van; you had murdered L. Domitius, a man of the greateſt quality and renown; numbers, that had eſcaped out of the battle, whom Cæſar, as he did ſome others, would perhaps have ſaved, you had butchered, after purſuing them with the utmoſt cruelty. After which great and glorious exploits, why did you not follow Cæſar into Africa, eſpecially as ſo great a part of the war ſtill remained? In what favour was you with Cæſar, after his return from Africa? in what rank? When general, you had been his quæſtor; when dictator, his maſter of the horſe; you had been the manager of the war, the adviſer of his cruelty, the partaker of the plunder, and by his will, as you yourſelf owned, named his heir; but you was aſked for the money you owed for the houſe, for the gardens, and for the reſt of the purchaſe. At firſt you anſwered with downright fierceneſs, and that I may not always ſeem againſt you, what you ſaid was almoſt juſt and equitable. Cæſar aſk money of me! why more than I ſhould of him? has he conquered without me? that he could never have done. It was I who gave him a pretext for the civil war, I who paſſed pernicious laws, I who took up arms againſt the conſuls and generals of the Roman people, againſt the ſenate and people of Rome, againſt our country gods, againſt our religion and property, and againſt our very country. Did he conquer for himſelf only? if the guilt is common, why ſhould not the booty be common too? You demanded only what was reaſonable, but what did that ſignify, while he was more powerful. Turning a deaf ear then to your ſpeeches, he diſpatched his ſoldiers to you, and your ſureties; and when you produced that famous inventory, all of a ſudden, what laughter did it occaſion? That there ſhould be ſo long a liſt of ſo many different eſtates, and yet not a ſingle article, excepting a part of Miſenas, that the ſeller could call his own. But wretched was the appearance that ſale made; a few of Pompey's

non multa, eaque maculoſa: ejuſdem quædam argentea vaſa colliſa, ſordidata mancipia: ut doleremus, quidquam eſſe ex illis reliquiis, quod videre poſſemus. Hanc tamen auctionem hæredes L. Rubrii decreto Cæſaris prohibuerunt. Hærebat nebulo: quo ſe verteret non habebat. Quin his ipſis temporibus domi Cæſaris percuſſor ab iſto miſſus, deprehenſus dicebatur eſſe cum ſica; de quo Cæſar in Senatu, aperte in te invehens, queſtus eſt. Proficiſcitur in Hiſpaniam Cæſar, paucis tibi ad ſolvendum, propter inopiam tuam, prorogatis diebus; ne tum quidem ſequeris: (62.) tam bonus gladiator rudem tam cito accepiſti?

XXX. Hunc igitur quiſquam, qui in ſuis partibus, id eſt, in ſuis fortunis, tam timidus fuerit, pertimeſcat? Profectus eſt tandem aliquando in Hiſpaniam: ſed tuto, ut ait, pervenire non potuit; quonam modo igitur Dolabella pervenit? aut non ſuſcipienda fuit iſta cauſa, Antoni; aut, cum ſuſcepiſſes, defendenda uſque ad extremum. Ter depugnavit Cæſar cum civibus; in Theſſalia, Africa, Hiſpania: omnibus affuit his pugnis Dolabella; in Hiſpanienſi etiam vulnus accepit: ſi de meo judicio quæris, nollem; ſed tamen conſilium à primo reprehendendum, laudanda conſtantia. Tu vero qui es? Cn. Pompeii liberi primum patriam repetebant; eſto: fuerit partium hæc cauſa communis: repetebant deos patrios, aras, focos, larem ſuum familiarem, in quæ tu invaſeras; hæc cum repeterent armis ii, quorum erant legibus (etſi in rebus iniquiſſimis quid poteſt eſſe æqui?) tamen erat æquiſſimum, contra Cn. Pompeii liberos Cn. Pompeii pugnare ſectorem. An tu Narbone menſas hoſpitum convomeres, Dolabella pro te in Hiſpania dimicaret? Qui vero Narbone reditus? & tamen quærebat, cur ego ex ipſo curſu tam ſubitò revertiſſem. Expoſui nuper, P. C. cauſam reditus mei; volui, ſi poſſem, etiam ante Kalendas Januarias prodeſſe reipublicæ: nam quod quærebas quomodo rediſſem; primum luce, non tenebris; deinde cum calceis & toga, (63.) nullis nec gallicis, nec lacerna. At

NOTES.

(62.) *Tam bonus gladiator rudem tam cito accepiſti?*] When the gladiators ended their combats, the victors had ſeveral marks of favour conferred upon them. The moſt common rewards were the *pileus* and the *rudis*: the former was given only to ſuch gladiators as were ſlaves, for a token of their obtaining freedom. The *rudis*, which was a kind of rod or wand, ſeems to have been beſtowed both on ſlaves and freemen; but with this difference, that it procured for the former no more than a diſcharge from any farther performance in public, upon which they commonly turned *laniſtæ*, ſpending their time in training up young fencers. But the *rudis*, when given to ſuch perſons as being free, had hired themſelves out for theſe ſhews, reſtored them to a full enjoyment of their liberty. Both theſe ſorts of *rudiarii*, being excuſed from farther ſervice, hung up their arms in the temple of Hercules, the patron of their profeſſion, and were never called out again without their conſent. Horace has given us a full account of this cuſtom, in his firſt epiſtle to Mæcenas:

Prima dicte mihi, ſumma dicenda Camœna,
Spectatum ſatis et donatum jam rude, quæris,
Mæcenas, iterum antiquo me includere ludo.
Non eadem eſt ætas, non mens. Vejanius, armis
Herculis

cloaths, and thoſe few ſoiled; ſome of his ſilver plate, all battered together; ſome of his ſlaves, all in rags; ſo that we lamented there was any thing of his left for us to behold. The heirs of L. Rubrius, however, by an order of Cæſar's, forbid this ſale. The knave was now at a non-plus; whither to turn himſelf he knew not. At that very time an aſſaſſin, ſent by this very man to Cæſar's houſe, was apprehended with a dagger about him; of which Cæſar, inveighing openly againſt you in the ſenate, complained. Cæſar went to Spain, having, on account of your poverty, allowed you a few days, to make up your payment. You did not even then follow him. Tho' ſo good a gladiator, did you receive your diſcharge ſo ſoon?

SECT. XXX. Need any one then be afraid of this man, who is ſo very timorous in the parts he acts, that is, in making his own fortune? At laſt, however, to Spain he went; but, he ſays, it was with danger that he went. How then did Dolabella contrive to go? You either ought not to have eſpouſed that cauſe, Antony, or having eſpouſed it, ought to have defended it to the laſt. Thrice did Cæſar fight with his countrymen in Theſſaly, Africa, and Spain. In all theſe battles Dolabella was preſent; and in Spain he even received a wound. If you aſk my ſentiments, I approve not of his conduct; but yet the principles on which he acts are only to be condemned, his conſtancy deſerves commendation. But who are you? Pompey's children firſt demanded to be reſtored to their country. Well, be it ſo; this we grant was a cauſe common to you with others. They likewiſe demanded the reſtitution of their gods, their altars, their property, and family eſtate, which you had ſeized. As theſe things were demanded by force of arms, by thoſe who had a right to them by law, (tho' in ſuch violent proceedings there can be no juſtice) yet ſtill it was very juſtifiable for the intruder upon Pompey's eſtate to fight againſt Pompey's heirs. Was not you vomiting amidſt your riotous feaſts at Narbonne, while Dolabella was fighting for you in Spain? But how did you return from Narbonne? Yet Antony aſks why I returned ſo ſuddenly from my tour. I have lately explained to you, Conſcript Fathers, the reaſon of my return; I was willing to have done ſome ſervice to my country, if poſſible, before the firſt of January. But, as to the queſtion, how I returned; I anſwer, in the firſt place, by day, and not by night; in the next place, with a gown and ſhoes, without either pattins or a ſhort

NOTES.

Herculis ad poſtem fixis, latet abditus agro:
Ne populum extrema toties exoret arena.

(63.) *Nullis nec gallicis, nec lacerna.*] The *gallica*, according to Manutius, was a kind of

At etiam adſpicis me, & quidem, ut videris, iratus: næ tu jam mecum in gratiam redeas, ſi ſcias, quam me pudeat nequitiæ tuæ, cujus te ipſum non pudet. Ex omnibus omnium flagitiis nullum turpius vidi, nullum audivi; qui Magiſter Equitum fuiſſe tibi viderere, in proximum annum Conſulatum peteres, vel potius rogares, per municipia, coloniaſque Galliæ, a qua nos tum, cum Conſulatus petebatur, non rogabatur, petere Conſulatum ſolebamus, cum gallicis & lacerna cucurriſti.

XXX. At videte levitatem hominis. Cum hora diei decima fere (64.) ad Saxa rubra veniſſet, delituit in quadam cauponula, atque ibi ſe occultans, perpotavit ad veſperum: inde ciſio celeriter ad urbem advectus, domum venit capite involuto. Janitor, Quis tu? A Marco tabellarius. Confeſtim ad eam, cujus cauſa venerat, deducitur, eique epiſtolam tradit: quam cum illa legeret flens (erat enim amatorie ſcripta: caput autem literarum, ſibi cum illa mima poſthac nihil futurum; omnem ſe amorem abjeciſſe illinc, atque in hanc transfudiſſe) cum mulier fleret uberius, homo miſericors ferre non potuit: caput aperuit; in collum invaſit. O hominem nequam! (quid enim aliud dicam? magis proprie nihil poſſum dicere) ergo ut te catamitum, nec opinato cum oſtendiſſes, præter ſpem mulier aſpiceret, (65.) idcirco urbem terrore nocturno, Italiam multorum dierum metu perturbaſti? & domi quidem cauſam amoris habuiſti, foris etiam turpiorem, (66.) ne L. Plancus prædes tuos venderet: productus autem in concionem à Tribuno plebis, cum reſpondiſſes, (67.) te rei tuæ cauſa veniſſe, populum in te dicacem etiam reddidiſti.

XXXII. Sed nimis multa de nugis; ad majora veniamus. Cæſari ex Hiſpania redeunti obviam longiſſime proceſſiſti: celeriter iſti, & rediſti, ut cognoſceret, te, ſi minus fortem, attamen ſtrenuum: factus es ei rurſus neſcio quomodo familiaris: habebat hoc omnino Cæſar; quem plane perditum ære alieno egentemque, ſi eundem nequam

NOTES.

of ſhoe which the ſoldiers wore in the camp; the *lacerna* too, which was a kind of ſhort frock, was firſt uſed in the camp, tho' afterwards admitted into the city, and worn upon their gowns to defend them from the weather. Cicero is very ſevere upon Antony, not for travelling in this military dreſs, but for entering the city, and appearing as a candidate for the conſulſhip, in it.

(64.) *Ad Saxa rubra veniſſet.*] This was a ſmall village, ſituated between Rome and Veii, in the Caſſian way. See *Livy*, B. 2. C. 49.

(65.) *Idcirco urbem terrore nocturno.*] During Cæſar's ſtay in Spain, Antony ſet forward from Italy, to pay his compliments to him there, or to meet him at leaſt on the road in his return towards home: but when he had made about half of the journey, he met with ſome diſpatches, which obliged him to turn back in all haſte to Rome. This raiſed a new alarm in the city, and eſpecially among the Pompeians, who were afraid that Cæſar, having now ſubdued all oppoſition, was reſolved, after the manner of former conquerors, to take his revenge in cool blood on all his adverſaries; and had ſent Antony back, as the propereſt inſtrument to execute ſome orders of that ſort.

(66.)

cloak. But you look upon me with an angry eye, methinks. Surely you would be glad to be friends with me, if you knew how much aſhamed I am of your infamous behaviour, of which you yourſelf are not in the leaſt aſhamed. Of all the ſcandalous actions among men, never did I ſee, never did I hear of any that ſurpaſſed this; that you, who looked upon yourſelf as maſter of the horſe, who next year intended ſuing for, or rather demanding the conſulſhip, ſhould poſt through all the municipal towns and colonies of Gaul, in which we uſed to ſolicit for the conſulſhip, while it was ſolicited and not demanded, in pattins and a ſhort cloak.

SECT. XXXI. But obſerve the levity of the man. Having come to the *red rocks* about the tenth hour of the day, he ſlunk into a tippling-ſhop, and, concealing himſelf there, drank hard till night: then driving to the city in his chaiſe, as faſt as he could, he came to his own houſe all muffled up. Who are you, ſays the porter? a letter-carrier from Marcus, replies the other. Upon this he is immediately introduced to the lady on whoſe account he came, and gives her a letter, which ſhe reads with tears; for it was indeed very tenderly written. The ſubſtance of it was, that he would have nothing more to ſay to the actreſs; that he had laid aſide all affection for her, and transferred it to his dear Fulvia. She continued ſhedding tears very plentifully; the tender-hearted man could no longer ſupport it; he unmuffled his head, and flew to her arms. Infamous man! for what elſe can I call you? a more proper epithet I cannot find out. Was it then that a woman might unexpectedly, by your ſuddenly diſcovering yourſelf, ſee a catamite, that you filled the city with nocturnal alarms, and all Italy with terror for many days? At your own houſe, indeed, you might alledge, that love was the cauſe of your coming; but abroad, there was a more ſcandalous reaſon, and it was this, leſt L. Plancus ſhould diſtreſs your ſureties. But, upon being brought into the aſſembly by the tribune of the people, when you anſwered that you were come on account of your private affairs, you became the jeſt even of the populace.

SECT. XXXII. But we have dwelt too long upon trifles, let us now proceed to things of greater importance. When Cæſar was returning from Spain, you was the moſt forward of all others in meeting him; you went and returned very expeditiouſly, to let him ſee, that if you was not brave, you was at leaſt active. By ſome means or other, you got again into his good graces. But this was Cæſar's

NOTES.

(66.) *Ne L. Plancus.*] This L. Plancus was brother to Munatius Plancus, an intimate friend of Cicero's; and to whom ſeveral of his letters are addreſſed.

(67.) *Te rei tuæ cauſa veniſſe.*] There is a *double entendre* in the words *rei tuæ*, which may either refer to his eſtate, or to his luſts. This excited the mirth of the populace.

quam hominem audacemque cognoverat, hunc in familiaritatem libentiſſime recipiebat. His igitur rebus præclare commendatus, juſſus es renunciari Conſul, & quidem cum ipſo: nihil queror de Dolabella, qui tum eſt impulſus, inductus, eluſus. Qua in re quanta fuerit uterque veſtrûm perfidia in Dolabellam, quis ignorat? ille induxit, ut peteret: promiſſum & receptum intervertit, ad ſeque tranſtulit: tu ejus perfidiæ voluntatem tuam adſcripſiſti. Veniunt Kalendæ Januariæ: cogimur in Senatum: (68.) invectus eſt copioſius multo in iſtum & paratius Dolabella, quam nunc ego. Hic autem iratus quæ dixit, dii boni? cum primum Cæſar oſtendiſſet, ſe, prius quam proficiſceretur, Dolabellam Conſulem eſſe juſſurum; quem negant regem, qui & faceret ſemper ejuſmodi aliquid, & diceret: ſed cum Cæſar ita dixiſſet, tum hic bonus Augur eo ſe ſacerdotio præditum eſſe dixit, ut comitia auſpiciis vel impedire, vel vitiare poſſet; idque ſe facturum eſſe aſſeveravit. In quo primum incredibilem ſtupiditatem hominis cognoſcite. Quid enim? iſthuc, quod te ſacerdotii jure facere poſſe dixiſti, ſi augur non eſſes, & Conſul eſſes, minus facere potuiſſes? vide ne etiam facilius: (69.) nos enim nuntiationem ſolum habemus; Conſules & reliqui magiſtratus etiam ſpectionem. Eſto: hoc imperite, nec enim ab homine nunquam ſobrio poſtulanda prudentia: ſed videte impudentiam: multis ante menſibus in Senatu dixit, ſe Dolabellæ comitia aut prohibiturum auſpiciis, aut id facturum eſſe, quod fecit: quiſquamne divinare poteſt, quid vitii in auſpiciis futurum ſit, (70.) niſi de cœlo ſervare conſtituit? quod neque licet comitiis per leges; &, ſi quis ſervavit, non

NOTES.

(68.) *Invectus eſt copioſius multo in iſtum & paratius Dolabella, quam nunc ego.*] Cæſar had promiſed the conſulſhip to Dolabella, but, contrary to expectation, took it to himſelf. This was contrived by Antony, who, jealous of Dolabella, as a rival in Cæſar's favour, was conſtantly ſuggeſting ſomewhat to his diſadvantage, and labouring to create a diffidence of him in Cæſar. Dolabella was ſenſibly touched with the affront, and came full of indignation to the ſenate, where, not daring to vent his ſpleen on Cæſar, he entertained the aſſembly with a ſevere ſpeech againſt Antony, which drew on many warm and angry words between them; 'till Cæſar, to end the diſpute, promiſed to reſign the conſulſhip to Dolabella, before he went to the Parthian war: but Antony proteſted, that, by his authority as augur, he would diſturb that election, whenever it ſhould be attempted.

(69.) *Nos enim nuntiationem ſolum habemus; Conſules & reliqui magiſtratus etiam ſpectionem.*] For the illuſtration of this paſſage, we ſhall inſert Ferratius's note upon it. 'Ex Numæ regis inſtituto, *ſays he*, jus nuntiandi augures obtinebant, ut ſi quid vitii 'advertiſſent, comitia prohibere, ne fierent, 'et jam facta turbare nuntiando poſſent; 'idemque legibus 12 tabularum cautum eſt: '*Quæque augur injuſta, nefaſta, vitioſa, dirave dixerit; irrita, infectaque ſunto.* 'Cuilibet igitur magiſtratui auſpicanti, antequam cum populo ageret, aderat augur, 'eique in auſpicio eſſe dicebatur; quo auctore, ſecundumne, an adverſum eſſet augurium, intelligebat magiſtratus ille, qui comitia populi edixerat. Auguribus autem 'aliquid nuntiantibus parebatur, etiamſi nihil vidiſſent, et falſa nuntiarent. Magiſtratibus data erat per leges facultas ſervandi de 'cœlo, et obnuntiandi, cautumque ne liceret 'agere cum populo, quo die de cœlo ſervatum eſſet. Quamobrem poterant impedire 'ne haberentur comitia, aut ageretur cum 'populo, et facere dies nefaſtos, obnuntiando ſe illis diebus de cœlo eſſe ſervaturos. 'Itaque augures poterant impedire ne haberentur comitia, et jam habita vitiare; quia 'et ante, et poſt habita comitia contingebat, 'ut

Cæſar's true character, if he knew a man in indigent circumſtances, and overwhelmed with debt, if he was at the ſame time an infamous and enterpriſing fellow, he readily received him into his friendſhip. Having theſe qualifications then to recommend you, he ordered you to be returned conſul, even along with himſelf. I do not complain of Dolabella, who was then encouraged to ſtand for it, was perſuaded and deluded. How perfidious the behaviour of you both was to Dolabella in that affair, can be a ſecret to none. Cæſar prompted him to ſue for it; but appropriated and transferred to himſelf what was thus promiſed and accepted of; and you concurred in this piece of treachery. The firſt of January comes; we are forced into the ſenate-houſe; Dolabella inveighed much more copiouſly and ſeverely againſt this fellow, than I do now. But when he grew angry, good gods! what did he not ſay? When Cæſar firſt of all declared, that before he ſet out, he would give orders that Dolabella ſhould be conſul; yet they deny this man to have been a king, tho' he always talked and acted in this manner; but when Cæſar ſaid ſo, this worthy augur told us, that being inveſted with the prieſthood, he had power by his auſpices of ſtopping or rendering void the elections, and he declared ſolemnly that he would exert this power. Now, obſerve here, in the firſt place, the wonderful ſtupidity of the man. For how! had you not been augur, and yet been conſul, would you have been leſs able to do that which you ſaid you was empowered to do by your ſacerdotal authority? you could have done it more eaſily. For we have only the right of declaring; the conſuls and even the other magiſtrates have that of inſpection. Well, let this be conſidered only as a ſlip; (and indeed conſideration cannot be expected from one who is always drunk,) but obſerve his impudence. He declared in the ſenate many months before, that he would either put a ſtop to Dolabella's election by the auſpices, or do that which he has ſince done. Can any man foreſee what defect there will be in the auſpices, unleſs he has determined to obſerve them? Now this is not allowed by our laws, while the comitia are holding; and if any augur has obſerved them,

NOTES.

'ut viderent aliquid, aut audirent. Non tamen ante ipſum diem comitiorum ſcire poterant, quid aut viſuri eſſent, aut audituri. Solam ergo habebant *nuntiationem*. Magiſtratus habebant *ſpectionem*, hoc eſt, jus ſervandi de cœlo, et impediendi ne populus ad comitia vocaretur.—Jam et Cicero et Antonius Augures erant; hinc eſt quod ille dicit, *nos nuntiationem ſolum*, &c.'

(70.) *Niſi qui de cœlo ſervare conſtituit.*] When the augur, in the execution of his office, was to obſerve the heavens, he went up upon ſome high place; took the augural ſtaff (which was a ſort of croſier bent at one end) in his hand, and marked out the four quarters of the heavens with it. Then he turned to the eaſt, having the weſt behind him, the ſouth to his right, and north to his left; and this is what the Romans called *ſervare de cœlo*. In this ſituation he waited for a ſign, by thunder, lightening, birds, or the wind.

non habitis comitiis, ſed prius quam habeantur, debet nuntiare? verum implicata inſcitia impudentiâ eſt, ſi nec ſcit quod Augurem, nec facit quod pudentem decet. Atque ex illo die recordamini ejus uſque ad idus Martias Conſulatum: quis unquam apparitor tam humilis, tam abjectus? nihil ipſe poterat: omnia rogabat: caput in averſam lecticam inſerens beneficia, quæ venderet, à collega petebat.

XXXIII. Ecce Dolabellæ comitiorum dies; (71.) ſortitio prærogativæ; quieſcit; renuntiatur; tacet: prima claſſis vocatur; renuntiatur: deinde, ut adſolet, ſuffragatum ſecunda claſſis vocatur; quæ omnia citius ſunt facta, quam dixi. Confecto negotio, bonus Augur (Lælium diceres) ALIO DIE, inquit. O impudentiam ſingularem! quid videras? quid ſenſeras? quid audieras? nec enim te de cœlo ſervaſſe dixiſti, neque hodie dicis: id igitur obvenit vitium, quod tu jam Kalendis Januar. futurum eſſe prævideras, & tanto ante prædixeras. Ergo, hercule, magna, ut ſpero, tua potius, quam reipublicæ calamitate, ementitus es auſpicia: obſtrinxiſti populum Romanum religione: Augur Auguri, Conſul Conſuli obnuntiaviſti. Nolo plura, ne acta Dolabellæ videar convellere; quæ neceſſe eſt aliquando ad noſtrum collegium deferantur. Sed arrogantiam hominis inſolentiamque cognoſcite: quamdiu tu voles, vitioſus Conſul Dolabella: rurſus cum voles, ſalvis auſpiciis creatus: ſi nihil eſt, cum Augur iis verbis nuntiat, quibus tu nuntiaſti; confitere te, cum, ALIO DIE, dixeris, ſobrium non fuiſſe: ſin eſt aliqua vis in iſtis verbis, ea quæ ſit, Augur à collega requiro. Sed ne forte, ex multis rebus geſtis M. Antonii, rem unam pulcherrimam tranſiliat oratio, (72.) ad Lupercalia veniamus.

XXXIV. Non diſſimulat, P. C. apparet eſſe commotum; ſudat, pallet: quidlibet, modo ne nauſeet, faciat, quod in porticu Minucia fecit:

NOTES.

(71.) *Sortitio prærogativæ.*] By the inſtitution of the *comitia centuriata*, (ſee *Or. pro Muræna*, note 1ſt.) Servius Tullius ſecretly conveyed the whole power from the commons: for the centuries of the firſt and richeſt claſs being called out firſt, who were three more in number than all the reſt put together, if they all agreed, as generally they did, the buſineſs was already decided, and the other claſſes were needleſs and inſignificant. The commons, in the time of the free ſtate, to rectify this diſadvantage, obtained, that before they proceeded to voting any matter at theſe *comitia*, that century ſhould give their ſuffrages firſt, upon whom it fell by lot, with the name of *centuria prærogativa*. The other centuries had the appellation of *jure vocatæ*, becauſe they were called out according to their proper places.

(72.) *Ad Lupercalia veniamus.*] This feſtival was celebrated on the fifteenth of February. Livy, Dionyſius Halicarnaſſeus, and Plutarch tell us, that it was brought by Evander out of Greece. The ceremonies obſerved in it were of a very ſingular nature. Firſt, two goats and a dog were killed; then the foreheads of two young men of diſtinction were touched with the bloody knife, and they were to laugh when they were thus touched. When this was done, the ſkins of

them, he ought to declare them, not while the comitia are holding, but before. But his ignorance and impudence go hand in hand; he neither knows what becomes an augur, nor does what is conſiſtent with decency. Recollect his conſulate from that day to the ides of March. Was ever beadle more ſubmiſſive, more fawning? He could do nothing of himſelf; he aſked every thing: and thruſting his head into his collegue's litter behind, he petitioned for gratuities which he afterwards made venal.

SECT. XXXIII. The day for Dolabella's election comes; the lots of the prerogative century are drawn: he remains quiet. They are declared; ſtill he is ſilent. The firſt claſs is called; their vote is reported: then, as uſual, the ſecond claſs is called to vote: all this was done in leſs time than I have taken up in relating it. When the buſineſs was over, this worthy augur (you would have thought him another Lælius) called out ADJOURN. Unparallel'd impudence! what had you ſeen? what had you perceived? what had you heard? You neither then ſaid, nor now ſay, that you was obſerving the heavens. There was that defect therefore, which ſo far back as the firſt of January you had foreſeen and foretold. I truſt in heaven then you have belied the auſpices to your own deſtruction, rather than that of your country. You inſpired the Roman people with religious ſcruples: as augur, you made a declaration of the auſpices to an augur; as conſul, to a conſul. I'll ſay no more on this ſubject, leſt I ſhould ſeem to ſhake the acts of Dolabella, which muſt neceſſarily ſome time or other be brought before our college. But attend to the arrogance and inſolence of the man. As long as you pleaſed, Dolabella was unduly elected; and again, when you altered your mind, he was created with regular auſpices. If, when an augur declares in the words you declared in, the words ſignify nothing, confeſs that when you called out ADJOURN, you was drunk; if there is any ſignificancy in theſe words, I deſire you as a brother-augur to ſhew me what it is. But, leſt I ſhould paſs over one of the moſt beautiful of Antony's numerous exploits, let me proceed to the feſtival of the *Lupercalia*.

SECT. XXXIV. He is no hypocrite, Conſcript Fathers; it is evident, that he is now touched; he ſweats, he grows pale: let him do what he pleaſes, provided he does not vomit, as he did in the Minutian portico. What apology can be made for ſo ſcandalous an

NOTES.

the victims were cut into thongs and whips for the young men; who, armed in this manner, and covered only with a pair of drawers, ran about the city, and the fields, ſtriking all they met. The young married women ſuffered themſelves to be ſtruck by them, and believed thoſe ſtrokes were a help to fruitfulneſs.

fecit: quæ poteſt eſſe turpitudinis tantæ defenſio? cupio audire; ut videam, ubi rhetoris tanta merces, ubi campus Leontinus appareat. Sedebat in roſtris collega tuus, amictus toga purpurea, in ſella aurea, coronatus: adſcendis; accedis ad ſellam; (73.) (ita eras Lupercus, ut te Conſulem eſſe meminiſſe deberes) diadema oſtendis: gemitus toto foro; unde diadema? non enim abjectum ſuſtuleras, ſed attuleras domo meditatum & cogitatum ſcelus. Tu diadema imponebas cum plangore populi: ille cum plauſu rejiciebat. Tu ergo unus, ſcelerate, inventus es, qui, cum auctor regni eſſes, eum, quem collegam habebas, dominum habere velles; & idem tentares, quid populus Romanus ferre & pati poſſet. At etiam miſericordiam captabas: ſupplex te ad pedes abjiciebas: quid petens? ut ſervires? tibi uni peterēs, qui ita à puero vixeras, ut omnia paterere, ut facile ſervires: à nobis populoque Romano mandatum id certe non habebas. O præclaram illam eloquentiam tuam, cum es nudus concionatus! quid hoc turpius? quid fœdius? quid ſuppliciis omnibus dignius? num exſpectas, dum te ſtimulis fodiam? hæc te, ſi ullam partem habes ſenſus, lacerat, hæc cruentat oratio. Vereor ne imminuam ſummorum virorum gloriam: dicam tamen dolore commotus: quid indignius, quam vivere eum, qui impoſuerit diadema; cùm omnes fateantur jure interfectum eſſe, qui abjecerit? At etiam adſcribi juſſit in faſtis, ad Lupercalia, C. CÆSARI, DICTATORI PERPETUO, M. ANTONIUM CONSULEM POPULI JUSSU REGNUM DETULISSE, CÆSAREM UTI NOLUISSE. Jam jam minime miror, te otium perturbare; non modo urbem odiſſe, ſed etiam lucem; cum perditiſſimis latronibus (75.) non ſolum de die, ſed etiam in diem vivere. Ubi enim tu in pace conſiſtes? qui locus tibi in legibus & in judiciis eſſe poteſt, quæ tu, quantum in te fuit, dominatu regio ſuſtuliſti? Ideone L. Tarquinius exactus; Sp. Caſſius, Sp. Melius, M. Manlius necati, ut multis poſt ſeculis, à M. Antonio, quod fas non eſt, rex Romæ conſtitueretur? Sed ad auſpicia redeamus.

XXXV.

NOTES.

(73.) *Ita eras Lupercus.*] Cæſar received from the ſenate the moſt extravagant honours, both human and divine, which flattery could invent. Among the other compliments that were paid to him, there was a new fraternity of *Luperci* inſtituted to his honour, and called by his name; of which Antony was the head. Cæſar, in his triumphal robe, ſeated himſelf in the roſtra, in a golden chair to ſee the diverſion of the running; where, in the midſt of their ſport, the conſul Antony, at the head of his naked crew, made him the offer of a regal diadem, and attempted to put it upon his head.

(75.) *Non ſolum de die, ſed etiam in diem vivere.*] *Vivere de die* ſignifies to feaſt and live ſumptuouſly every day; *in diem vivere*, to have no manner of thought or conſideration; to be regardleſs of futurity, and unconcerned about the cenſure or applauſe of the world.

an action? I ſhould be glad to hear, that I may ſee what are the fruits of the Leontine fields, and of the large wages he paid his rhetoric-maſter. Your collegue ſat in the roſtra, arrayed in a purple robe, upon a throne of gold, with a crown on his head. You went up to him; you approached his throne; (tho' you was a Lupercal, you ought to have remembered that you was likewiſe a conſul) you produced a diadem. A general groan iſſued from the whole forum. Whence had you that diadem? you did not pick it up in the ſtreets, but brought from home the premeditated, the concerted miſchief. You put it on his head amidſt the groans of the people; he rejected it with univerſal applauſe. You then, villain, was the only perſon, who, after having eſtabliſhed tyranny, wanted to have your collegue your maſter; and at the ſame time made trial what the Roman people would endure. But you likewiſe applied to his compaſſion, and threw yourſelf as a ſuppliant at his feet: for what favour? that you might be a ſlave? This you ſhould have aſked for yourſelf alone, who have lived from your childhood in ſuch a manner, as to bear any thing, as to ſerve tamely; from us, ſurely, or the people of Rome, you had no ſuch commiſſion. O that inimitable eloquence of yours, when you harangued the people naked! what could be more ſcandalous than this? what more ſhameful? what more worthy of the ſevereſt puniſhment? Do you expect that I am to ſting you? If you have not loſt all feeling, this ſpeech muſt wound, muſt harrow up your ſoul. I am afraid leſt I ſhould leſſen the glory of the greateſt of men; yet the anguiſh of my ſoul will not ſuffer me to be ſilent: what can be more ſhameful, than that he ſhould live, who beſtowed a royal diadem, when all confeſs that he was juſtly ſlain who rejected it? he even ordered it to be entered in the public acts, at the time of the Lupercalia, *that M. Antony, the conſul, by command of the people, offered kingly power to C. Cæſar perpetual dictator, but that Cæſar refuſed it.* Now indeed, I am not in the leaſt ſurpriſed, that you diſturb the public tranquillity; that you not only hate the city, but the light of the ſun; and that you live with the moſt abandoned ruffians, not only voluptuouſly, but without any manner of reflection. For where can you ſet your foot in time of peace? what refuge can you have in laws and ſtatutes, which you have done your utmoſt to aboliſh by introducing regal authority? Was L. Tarquinius then baniſhed; was Sp. Caſſius, Sp. Melius, M. Manlius put to death for this, that ſo many ages after, contrary to all law, a king ſhould be ſet up at Rome by M. Antony? But let us return to the auſpices.

XXXV. (76.) De quibus rebus Idibus Martiis fuit in Senatu Cæſar acturus, quæro tum tu quid egiſſes. Audiebam quidem te paratum veniſſe, quod me de mentitis auſpiciis, quibus tamen parere neceſſe erat, putares eſſe dicturum. Suſtulit illum diem fortuna populi Romani: num etiam tuum de auſpiciis judicium interitus Cæſaris ſuſtulit? Sed incidi in id tempus, quod iis rebus, in quas ingreſſa erat oratio, prævertendum eſt. Quæ tua fuga? quæ formido præclaro illo die? quæ propter conſcientiam ſcelerum deſperatio vitæ? cum ex illa fuga, beneficio eorum, qui te, ſi ſanus eſſes, ſalvum eſſe voluerunt, clam te domum recepiſti? O mea fruſtra ſemper veriſſima Auguria rerum futurarum! dicebam illis in Capitolio liberatoribus noſtris, cum me ad te ire vellent, ut ad defendendam rempublicam te adhortarer: quoad metueres, omnia te promiſſurum; ſimul ac timere deſiiſſes, ſimilem te futurum tui. Itaque (77.) cum cæteri Conſulares irent, redirent, in ſententia manſi: neque te illo die, neque poſtero vidi: neque ullam ſocietatem optimis civibus cum importuniſſimo hoſte fœdere ullo confirmari poſſe credidi. Poſt diem tertium veni in ædem Telluris, & quidem invitus, cum omnes aditus armati obſiderent: qui tibi ille dies, Antoni, fuit? quanquam mihi ſubito inimicus exſtitiſti, tamen me tui miſeret, quod tibi invideris.

XXXVI. Qui tu vir, dii immortales! & quantus fuiſſes, ſi illius diei mentem ſervare potuiſſes? pacem haberemus, quæ erat facta per obſidem puerum nobilem [M. Antonii filium] M. Bambalionis nepotem: quanquam te bonum timor faciebat, non diuturni magiſter officii; improbum fecit ea, quæ dum timor abeſt, à te non diſcedit, audacia: etſi tum, cum optimum te putabant, me quidem diſſentiente,

NOTES.

(76.) *De quibus rebus Idibus Martiis fuit in ſenatu Cæſar acturus.*] When Cæſar had prepared every thing for his expedition againſt the Parthians, before his departure he reſolved to have the *Regal Title* conferred upon him by the ſenate, who were too ſenſible of his power, and obſequious to his will, to deny him any thing; and to make it the more palatable at the ſame time to the people, he cauſed a report to be induſtriouſly propagated through the city of ancient prophecies found in the Sibylline books, that the Parthians could not be conquered, but by a king; on the ſtrength of which, Cotta, one of the guardians of theſe books, was to move the ſenate, to decree the title of king to him. As this was to be part of the ſenate's buſineſs on the occaſion here mentioned, Cicero is ſuppoſed to aſk Antony what he would have done in the affair; but, as Appian tells us, that Cæſar intended to propoſe the validity of Dolabella's election to the ſenate's conſideration, it is more probable that Cicero refers to this.

(77.) *Cum cæteri conſulares irent, redirent.*] Mr. *Guthrie*, in a note on this paſſage, obſerves that the commentators have made *very botching work of it. Irent, redirent*, according to him, ſignifies no more than that the other conſulars *altered their way of thinking of Antony, ſometimes to one way, ſometimes to another*; and by *ego in ſententia manſi* is meant, he ſays, that Cicero *ſtill kept in the ſame way of thinking*. The attentive reader may eaſily perceive that this is making *very botching work* of the paſſage, the ſenſe of which is extremely obvious. Brutus, deceived by Antony's artful conduct immediately

SECT. XXXV. Let me aſk you how you would have behaved in the buſineſs which Cæſar was to have tranſacted in the ſenate on the ides of March. I was told indeed that you came prepared, becauſe you thought I would ſpeak about the fictitious auſpices, which yet there was a neceſſity of obeying. The fortune of the people of Rome prevented the tranſactions of that day; but did the death of Cæſar deſtroy the judgment you paſſed concerning the auſpices? But I have touched upon a juncture, which I muſt ſpeak concerning, before I go on with what I had begun to treat of. How you fled, how you trembled on that day! how the conſciouſneſs of your guilt made you deſpair of life, while out of the general rout you conveyed yourſelf privately to your own houſe, by the favour of thoſe who meant that you ſhould be ſafe, could you have had diſcernment enough to perceive it! O my vainly unerring foreſight of future events! I told thoſe brave deliverers of ours in the capitol, when they deſired me to go and exhort you to the defence of the ſtate, that while you was afraid, you would promiſe every thing; but as ſoon as your apprehenſions were over, that you would act like yourſelf. Therefore, while the other conſulars went backward and forward, I remained fixed in my purpoſe; I neither ſaw you on that, nor the following day; nor did I think it poſſible that an union could be eſtabliſhed by any ties whatſoever, betwixt the beſt of citizens and the moſt inveterate enemy of the ſtate. Three days after I came to the temple of Tellus, and indeed unwillingly, as all the avenues to it were blocked up by armed men. What a day, Mark Antony, was that for you? tho' you ſuddenly became my enemy, yet I pity you, becauſe you are an enemy to yourſelf.

SECT. XXXVI. Immortal gods! how good, how great a man you might have been, could you have preſerved a due remembrance of that day! We might have had a peace, that was ſealed by a noble youth, the ſon of M. Antony, and grandſon of M. Bambalio. Tho' fear made you good for a while, yet the reſtraint was ſoon removed; that audaciouſneſs, which never deſerts you when fear is abſent, rendered you a villain. And even at that time, when men thought beſt of you, tho' I ſtill differed from them, you wickedly preſided

NOTES.

ately after Cæſar's death, had conceived hopes of him, and propoſed ſending a deputation to him, to exhort him to meaſures of peace. Cicero remonſtrated againſt this, for the reaſons he here aſſigns, and could not be prevailed upon to bear a part in the deputation; ſo that while the other conſular ſenators were going forwards and backwards as mediators between Antony and the conſpirators, Cicero remained fixed in his purpoſe, and did not ſee Antony for the two firſt days after Cæſar's death.—— The paſſage cannot poſſibly admit of any other interpretation, without offering manifeſt violence to it.

tiente, (78.) funeri tyranni, ſi illud funus fuit, ſceleratiſſime præfuiſti: tua illa pulchra laudatio, tua miſeratio, tua cohortatio: tu, tu, inquam, illas faces incendiſti, & eas, quibus ſemiuſtulatus ille eſt, & eas (79.) quibus incenſa L. Bellieni domus deflagravit; tu illos impetus perditorum hominum, & ex maxima parte ſervorum, quos nos vi manuque repulimus, in noſtras domos immiſiſti. Idem tamen, quaſi fuligine abſterſa, reliquis diebus in Capitolio præclara Senatuſconſulta feciſti, ne qua poſt Idus Martias immunitatis tabula, neve cujus beneficii figeretur. Meminiſti ipſe de exſulibus: ſcis de immunitate quid dixeris; optimum vero, quod Dictaturæ nomen in perpetuum de republica ſuſtuliſti; quo quidem facto tantum te cepiſſe odium regni videbatur, ut ejus omnem, propter proximum Dictatorem, tolleres metum; conſtituta reſpublica videbatur aliis, mihi vero nullo modo, qui omnia, te gubernante, naufragia metuebam. Num me igitur fefellit? aut num diutius ſui potuit eſſe diſſimilis? inſpectantibus vobis, toto Capitolio tabulæ figebantur: neque ſolum ſingulis veniebant immunitates, ſed etiam populis univerſis; civitas non jam ſigillatim, ſed provinciis totis dabatur. Itaque ſi hæc manent, quæ ſtante republica manere non poſſunt, provincias univerſas, P. C. perdidiſtis: neque vectigalia ſolum, ſed etiam imperium populi Romani hujus domeſticis nundinis diminutum eſt.

XXXVII. Ubi eſt ſepties millies ſeſtertiûm, quod in tabulis, quæ ſunt ad Opis, patebat? funeſtæ illius quidem pecuniæ; ſed tamen, ſi iis, quorum erant, non redderentur, quæ nos à tributis poſſent vindicare. Tu autem H. S. quadringenties, quod Idibus Martiis debuiſti, quonam modo ante Kalendas Apriles debere deſiiſti? [Quid ego de commentariis infinitis, quid de innumerabilibus chirographis loquar?] Sunt ea quidem innumerabilia, quæ à diverſis emebantur non inſciente te: ſed unum egregium (80.) de rege Dejotaro, populo Romano amiciſſimo, decretum in Capitolio fixum: quo propoſito, nemo erat, qui in ipſo dolore riſum poſſet continere. Quis enim cuiquam inimicior, quam Dejotaro Cæſar? æque atque huic ordini, ut equeſtri, ut Maſſilienſibus, ut omnibus, quibus rempublicam

NOTES.

(78.) *Funeri tyranni ſceleratiſſimè præfuiſti.*] Antony procured a decree of the ſenate for allowing a public funeral to Cæſar, as being the beſt opportunity of enflaming the ſoldiers and the populace, and raiſing ſome commotions to the diſadvantage of the republican cauſe, in which he ſucceeded ſo well, that Brutus and Caſſius had no ſmall difficulty to defend their lives and houſes from the violence of his mob.

(79.) *Quibus incenſa L. Bellieni domus deflagravit.*] The populace, excited by the ſpectacle of Cæſar's body, and the eloquence of Antony, who made the funeral oration, committed numberleſs acts of violence; and, amongſt others, ſet fire to the houſe of this Bellienus, who was a ſenator.

(80.) *De rege Dejotaro, populo Romano amiciſſimo.*] Dejotarus was king of Galatia, and a faithful ally of Rome. For his adherence to Pompey he was deprived of part of his dominions by Cæſar, at whoſe death his agents at Rome bargained with Antony for the ſum of eighty thouſand pounds to reſtore the

preſided at the tyrant's funeral, if a funeral it might be called. Your's was that beautiful panegyric, your's that pity, your's that exhortation. You, you, I ſay, kindled thoſe firebrands, with which his body was half conſumed, and thoſe by which the houſe of L. Bellienus was ſet on fire and burnt down. You it was who let looſe upon us the rage of thoſe abandoned villains, for the moſt part ſlaves, whom we were obliged to repel by force and violence. Yet, as if your foulneſs had been wiped off, the following days you made ſome noble decrees in the capitol, that after the ides of March no bill for immunities or favours ſhould be fixed up. You yourſelf mentioned the exiles; you know what you ſaid concerning immunities. But what was beſt of all, you baniſhed the name of dictator for ever from the ſtate; by which action you ſeemed to have conceived ſuch an averſion to royalty, as to be deſirous of taking away all apprehenſions of it, on account of the laſt dictator. To others the ſtate ſeemed to be ſettled, but very different were my ſentiments; for, while you were at the helm, I dreaded an univerſal wreck. Was I then miſtaken? or could he any longer be unlike himſelf? Bills were ſtuck up all over the capitol, even while you ſtood looking on: Immunities were granted, not only to ſingle perſons, but to whole ſtates. The freedom of Rome was not now conferred on individuals, but on whole provinces. If theſe acts therefore remain, Conſcript Fathers, which, if the conſtitution ſubſiſts, cannot remain, you have loſt whole provinces; and not only your revenues, but the whole power of Rome muſt ſink by this domeſtic traffic.

SECT. XXXVII. What is become of the 5,000,000 of money, which appeared by the books to be in the temple of Ops? Fatal indeed, were his treaſures; but yet if they muſt not be reſtored to thoſe to whom they belonged, they were ſuch as might free us from our taxes. But how could you, who on the ides of March owed above thirty thouſand pounds, pay off ſuch a debt before the firſt of April? why ſhould I mention an infinite number of writings and notes? innumerable indeed were the favours, which, not without your knowledge, were purchaſed by different perſons; but one famous decree, concerning king Dejotarus, the faithful friend of the Roman people, was ſtuck up in the capitol; at the ſight of which there was not a perſon that could refrain from laughing, tho' under the deepeſt concern. For was ever one man a greater enemy to another, than Cæſar was to Dejotarus? whom he hated as much as he did this order, as he did the Roman knights, the inhabitants of Marſeilles,

NOTES.

the good old king to his dominions again. But in this he was beforehand with them; for he no ſooner heard of Cæſar's death, than he ſeized by force upon what he had been unjuſtly deprived of.

cam populi Romani caram esse sentiebat. Igitur à quo vivo, nec præsens, nec absens rex Dejotarus quidquam æqui boni impetravit, apud mortuum factus est gratus. Compellarat hospitem præsens, computarat, pecuniam imperarat, in ejus tetrarchiam unum ex Græcis comitibus suis collocarat: Armeniam abstulerat à Senatu datam; hæc vivus eripuit, reddidit mortuus; at quibus verbis? modo æquum sibi videri, modo non iniquum: mira verborum complexio; at ille nunquam (semper enim absenti affui Dejotaro) quidquam sibi, quod nos pro illo postularemus, æquum dixit videri. Syngrapha H-S. centies per legatos viros bonos, sed timidos & imperitos, sine nostra, sine reliquorum hospitum regis sententia, facta in gynæceo: quo in loco plurimæ res venierunt & veneunt; qua ex syngrapha quid sis acturus meditere censeo. Rex enim ipse sua sponte, nullis commentariis Cæsaris, simul atque audivit ejus interitum, suo Marte res suas recuperavit; sciebat homo sapiens, jus semper hoc fuisse, ut, quæ tyranni eripuissent, ea, tyrannis interfectis, ii, quibus erepta essent, recuperarent. Nemo igitur jureconsultus, ne iste quidem, qui tibi uni est jureconsultus, per quem hæc agis, ex ista syngrapha deberi dicit pro iis rebus, quæ erant ante syngraphan recuperatæ: non enim à te emit; sed prius, quam tu suum sibi venderes, ipse possedit. Ille vir fuit: nos quidem contemnendi, qui auctorem odimus, acta defendimus.

XXXVIII. Quid ergo de commentariis infinitis, quid de innumerabilibus chirographis loquar? quorum etiam imitatores sunt, qui ea, tanquam gladiatorum libellos, palam venditent. Itaque tanti acervi nummorum apud istum construuntur, ut jam appendantur, non numerentur, pecuniæ. At quam cæca avaritia est! nuper fixa tabula est, qua civitates locupletissimæ Cretensium vectigalibus liberantur: statuiturque, ne post M. Brutum Proconsulem sit Creta provincia. Tu mentis es compos? tu non constringendus? an Cæsaris decreto Creta post M. Bruti decessum potuit liberari, cum Creta nihil ad Brutum, Cæsare vivo, pertineret? At hujus venditione decreti, ne nihil actum putetis, provinciam Cretam perdidistis. Omnino nemo ullius

Marſeilles, and all who had the intereſt of their country at heart. King Dejotarus then became the favourite of a man when dead, from whom when alive he could never obtain the leaſt favour or juſtice, either preſent or abſent. While Cæſar was alive he proſecuted Dejotarus who entertained him at his court, fleeced him, extorted money from him, placed one of his Greek attendants over his dominions, and took away Armenia from him, which had been given him by the ſenate: all this, while on earth he deprived him of, after his death he reſtored. But what words did he make uſe of to juſtify ſuch a proceeding? One while he ſays, that it ſeems reaſonable to him; another, not unreaſonable. A ſtrange way of talking! but Cæſar never ſaid that any thing ſeemed reaſonable to him, which we aſked for Dejotarus; for whoſe intereſt I always appeared in his abſence. A promiſſory note for above 78,000 *l.* without my knowledge, or that of any of the king's friends, was, by his embaſſadors, good men indeed, but unexperienced, drawn up in Fulvia's apartment, where many other things have been, and ſtill are, proſtituted to ſale. I think you ſhould conſider well, what you are to do with this note. For the king, of himſelf, without having recourſe to any of Cæſar's papers, as ſoon as he heard of his death, recovered what belonged to him by his own bravery. As he was a wiſe prince, he knew well that what tyrants took away, the injured party, upon the death of the tyrant, had a right to recover. No lawyer then, not even that fellow, who is employed as a lawyer by none but you, and who adviſed you to this ſtep, pretends that his note gives you a title to what was recovered before it was granted. For he did not buy it of you; but was in poſſeſſion of it, before you ſold him what was his own. He acted like a man; we like deſpicable poltroons: for we deteſt the tyrant, and yet defend his acts.

SECT. XXXVIII. Why then ſhould I mention the numberleſs memorandums and notes of hand? which ſeveral perſons even make it their buſineſs to counterfeit, and ſell as publicly as if they were gladiators bills. Hence it is, that ſuch prodigious heaps of money are now piled up at his houſe, that it is weighed out, not told. But how blind is avarice! A bill is lately ſtuck up, by which the richeſt cities of Crete are exempted from taxes; and it is decreed, that after the proconſulate of M. Brutus, Crete ſhall be no longer a province. Are you in your ſenſes? ought you not to be bound? can Crete, by any decree of Cæſar's, be made free, after the proconſulate of Brutus, when Brutus had nothing to do with Crete while Cæſar was alive? But, leſt you ſhould think there is nothing in this, you have, by the traffic of ſuch a decree, actually loſt the province of Crete. In a word, never was any thing bought, that Antony is

ullius rei fuit emptor, cui defuerit hic venditor. Et de exſulibus legem, quam fixiſti, Cæſar tulit? nullius inſector calamitatem: tantum queror, primum eorum reditus inquinatos, quorum cauſam diſſimilem Cæſar judicaverit: deinde neſcio, cur reliquis idem non tribuas: neque enim plus quam tres aut quatuor reliqui ſunt: qui ſimili in calamitate ſunt, cur tua miſericordia ſimili non fruuntur? cur eos habes in loco patrui? de quo ferre, cum de reliquis ferres, noluiſti; quem etiam ad cenſuram petendam impuliſti, eamque petitionem comparaſti, quæ & riſus hominum, & querelas moveret. Cur autem ea comitia non habuiſti? (81.) an quia Tribunus plebis ſiniſtrum fulmen nuntiabat? cùm tua quid intereſt, nulla auſpicia ſunt: cùm tuorum, tum ſis religioſus? quid? eundem (82.) in ſeptemviratu nonne deſtituiſti? intervenit enim: quid metuiſti? credo, ne ſalvo capite negare non poſſes: omnibus eum contumeliis oneraſti, quem patris loco, ſi ulla in te pietas eſſet, colere debebas; filiam ejus, ſororem tuam ejeciſti, alia conditione quæſita, & ante perſpecta: non eſt ſatis; probri inſimulaſti pudiciſſimam fœminam: quid eſt, quod addi poſſit? contentus eo non fuiſti; frequentiſſimo Senatu Kalendis Jan. ſedente patruo, hanc tibi eſſe cum Dolabella odii cauſam auſus es dicere, (83.) quod ab eo ſorori & uxori tuæ ſtuprum oblatum eſſe comperiſſes. Quis interpretari poteſt, impudentior-ne, qui in Senatu; an improbior, qui in Dolabellam; an impurior, qui patre audiente; an crudelior, qui in illam miſeram tam ſpurce, tam impie dixeris?

XXXIX. Sed ad chirographa redeamus: quæ fuit tua cognitio? acta enim Cæſaris pacis cauſa confirmata ſunt à Senatu: quæ quidem Cæſar egiſſet, non ea, quæ Cæſarem egiſſe dixiſſet Antonius. Unde iſta erumpunt? quo auctore proferuntur? ſi ſunt falſa, cur probantur? ſi vera, cur veneunt? At ſic placuerat ut ex Kalendis Junis de Cæſaris actis cum conſilio cognoſceretis. Quod fuit conſilium? quem unquam advocaſti? quas Kalendas Junias exſpectaſti? an eas, ad quas te, peragratis veteranorum coloniis, ſtipatum armis retuliſti? O præclaram illam percurſationem tuam menſe Aprili a

qu

NOTES.

(81.) *An quia tribunus plebis ſiniſtrum fulmen nuntiabat?*] When thunder was heard to the left, it was looked upon as a happy preſage, upon every other occaſion but that of holding the comitia, when it was deemed an unhappy one.

(82.) *In ſeptemviratu nonne deſtituiſti?*] Seven commiſſioners called the *ſeptemviri*, were appointed for taking care of the feaſts appointed in honour of the gods. It is probable, however, that Cicero here means one of the ſeven commiſſioners appointed after Cæſar's death for dividing the Campani and Leontine lands.

(83.) *Quod ab eo ſorori & uxori tuæ ſ prum oblatum eſſe comperiſſes.*] Antony's declaring that the ground of his quarrel w Dolabella, was his having caught him in attempt to debauch his wife Antonia, daughter of his uncle, was probably with any foundation, and contrived only to col his divorce with her, and his late marri with Fulvia, the widow of Clodius.

not ready to ſell. Did Cæſar too paſs the law concerning exiles, which you ſtuck up? I inſult no man upon his misfortune; I only complain, in the firſt place, that they, whoſe caſe Cæſar thought to be different, have been ſcandalouſly put upon a footing as to their return from baniſhment: in the next place, I cannot perceive why you ſhould not extend this favour to all; for there are not above three or four excepted: why ſhould not thoſe, who are involved in the ſame calamity, be equally the objects of your compaſſion? why do you treat them as you do your uncle, whom you would not pardon, when you pardoned the reſt; whom you urged however to ſtand for the cenſorſhip, and drew up a petition for that purpoſe, which excited both the laughter and indignation of mankind? But why did not you hold that comitia? was it becauſe a tribune of the people declared that it thundered to the left? When your own intereſt is concerned, the auſpices are conſidered as nothing; when that of your friends, then you are ſtrictly religious. What! did you not deſert him, when he put up for being a ſeptemvir? But he aſked for his money; what was you afraid of? leſt you could not refuſe to pay him, I ſuppoſe, if he was once reſtored. You loaded a man with all manner of reproaches, whom you ought to have revered like a father, had you had the leaſt ſpark of filial piety. His daughter, your own couſin, you turned away, having firſt looked out, and bargained for another match. Yet this was not enough: you defamed a woman of the ſtricteſt honour. Could any thing be added to this? yes, you went further ſtill. You had the aſſurance to ſay on the firſt of January, in a full ſenate, where your uncle was preſent, that the ground of your enmity to Dolabella was, your having found out that he attempted to debauch your couſin and wife. Who can determine which was greateſt on this occaſion, your impudence in the ſenate, your villainy againſt Dolabella, your indelicacy before your father, or your cruelty in uſing ſuch baſe and unbecoming language againſt an unfortunate lady?

SECT. XXXIX. But let us return to the notes of hand. How came you to take theſe things under your cogniſance? for Cæſar's acts were confirmed by the ſenate, for the ſake of peace; at leaſt what Cæſar enacted, not what Antony ſays he enacted. Whence are they iſſued? by whoſe authority are they produced? if fictitious, why are they approved of? if genuine, why are they expoſed to ſale? But it was agreed upon, that from the firſt of June, the conſuls ſhould, with aſſiſtants, take cogniſance of Cæſar's acts. Who were theſe aſſiſtants? whom did you ever ſummon? what kalends of June did you wait for? Thoſe, when having made a tour through all the colonies of the veterans, you returned to Rome, attended by armed men? What a glorious tour that was of yours,

que Maio, tum, (84.) cum etiam Capuam deducere coloniam conatus es! quemadmodum illinc abieris, vel potius pene non abieris, ſcimus: cui tu urbi minitaris; utinam conere, ut aliquando illud PENE tollatur. At quam nobilis eſt tua illa peregrinatio? quid prandiorum apparatus, quid furioſam vinolentiam tuam proferam? tua iſta detrimenta ſunt, illa noſtra. Agrum Campanum, qui cum de vectigalibus eximebatur, ut militibus daretur, tamen infligi magnum reipublicæ vulnus putabamus: hunc tu compranſoribus tuis, & colluſoribus dividebas; mimos dico & mimas, P. C. in agro Campano collocatos. Quid jam querar de agro Leontino? quandoquidem hæ quondam arationes, Campana & Leontina, in populi Romani patrimonio grandi fœnore, & fructuoſæ ferebantur. Medico tria millia jugerum, quaſi te ſanum feciſſet; Rhetori duo, quaſi diſertum facere potuiſſet. Sed ad iter, Italiamque redeamus.

XL. Deduxiſti coloniam Caſilinum, quo Cæſar ante deduxerat. Conſuluiſti me per literas de Capua tu quidem (ſed idem de Caſilino reſpondiſſem) poſſeſne, ubi colonia eſſet, eo coloniam novam jure deducere: negavi in eam coloniam, quæ eſſet auſpicato deducta, dum eſſet incolumis, coloniam novam jure deduci: colonos novos adſcribi poſſe reſcripſi: tu autem, inſolentia elatus, omni auſpiciorum jure turbato, Caſilinum coloniam deduxiſti, quo erat paucis annis ante deducta, ut vexillum tolleres, & aratrum circumduceres; cujus quidem vomere portam Capuæ pene perſtrinxiſti, ut florentis coloniæ territorium minueretur. Ab hac perturbatione religionum advolas (85.) in M. Varronis, ſanctiſſimi atque integerrimi viri, fundum Caſſinatem: quo jure? quo ore? eodem, inquies, quo in hæredum L. Lubrii, quo in hæredum L. Turſelii prædia, quo in reliquas innumerabiles poſſeſſiones. Et ſi ab haſta, valeat haſta, valeant tabulæ, modo Cæſaris, non tuæ: quibus debuiſti, non quibus tu te liberaviſti. Varronis quidem Caſſinatem fundum quis veniiſſe dicit? quis haſtam iſtius venditionis vidit? quis vocem præconis audivit? miſiſſe te dicis Alexandriam, qui emeret à Cæſare; ipſum enim

NOTES.

(84.) *Cum etiam Capuam coloniam deducere conatus es.*] Antony, in order to engage the veteran ſoldiers to his ſervice, wanted to give them the Capuan lands, and to ſettle a new colony there. He went to Capua, in order to divide the lands; but the inhabitants made a vigorous reſiſtance, and had almoſt put him to death.

(85.) *In M. Varronis, ſanctiſſimi atque integerrimi viri.*] Varro was a ſenator of the firſt diſtinction, both for birth and merit; Cicero's intimate friend; and, eſteemed the moſt learned man of Rome. He had ſerved as Pompey's lieutenant in Spain, in the beginning of the war; but after the defeat of Afranius and Petreius, quitted his arms, and retired to his ſtudies.

in the months of April and May, when you attempted to ſettle a colony at Capua? how you left that place, or rather how near you were never to have left it, we all know. You threaten that city. I wiſh you would proceed ſo far, as that the *near* I juſt now mentioned, may be no longer neceſſary. But what a noble progreſs that was of yours! why ſhould I mention your grand entertainments, or your exceſſive drinking? The one was your loſs, the other ours. When the lands of Campania were exempted from taxes, that they might be divided among the ſoldiers, we thought a deep wound was given to the conſtitution; but you divided them among your fellow-debauchees and gameſters. Actors and actreſſes, I ſay, Conſcript Fathers, are now ſettled in the territories of Campania. Why ſhould I now complain of the Leontine lands? and yet theſe territories were once a rich inheritance to the Roman people, and brought in a large revenue to the public treaſury. Three thouſand acres to a phyſician, as if he could have made you ſound; two thouſand to a rhetoric-maſter, as if he could poſſibly have made you eloquent. But let us return to your journey, and to Italy.

SECT. XL. You ſettled a colony at Caſilinum, where Cæſar had ſettled one before. You conſulted me indeed by letters concerning Capua (I ſhould have returned you the ſame anſwer as to Caſilinum) whether you could lawfully introduce a new colony into a place, where a colony had been already ſettled. I denied that a new colony could lawfully be introduced, while a colony that was ſettled by proper auſpices was unimpaired; but I wrote you word, that new planters might be added to the former. But you, elated with pride, and diſregarding all the laws of auſpices, ſettled a colony at Caſilinum, where one had been planted a few years before, that you might raiſe a ſtandard, and drive round a plough, whoſe ſhare almoſt grazed upon the gate of Capua, that you might leſſen the territory of a flouriſhing colony. From this violation of what was ſacred, you flew to the Caſſinian eſtate of M. Varro, a man of the greateſt honour and integrity. By what right? with what face? The ſame, you will ſay, with which you ſeized upon the eſtates of the heirs of L. Rubrius and L. Turſelius; with which you thruſt yourſelf into a great many other poſſeſſions. You bought this eſtate at a ſale, you'll ſay; let the ſale be legal, let the bills be legal, provided they be Cæſar's, not your own; thoſe by which you was a debtor, not thoſe by which you cleared yourſelf. But who can ſay that Varro's Caſſinian eſtate was ſold? who ever ſaw that ſale? who heard the voice of the auctioneer? You ſay that you ſent a perſon to Alexandria, to buy it of Cæſar: for it would have been too long, it ſeems, to wait till he himſelf ſhould come to Rome.

enim expectare magnum fuit: quis vero audivit unquam (nullius autem ſalus curæ pluribus fuit) de fortunis Varronis rem ullam eſſe detractam? Quod ſi etiam ſcripſit ad te Cæſar, ut redderes; quid ſatis poteſt dici de tanta impudentia? Remove gladios illos parumper, quos videmus: jam intelliges, aliam cauſam eſſe haſtæ Cæſaris, aliam confidentiæ & temeritatis tuæ; non enim te dominus modo illis ſedibus, ſed quivis amicus, vicinus, hoſpes, procurator arcebit.

XLI. At quam multos dies in ea villa turpiſſime es perbacchatus? ab hora tertia bibebatur, ludebatur, vomebatur. O tecta ipſa miſera, *quam diſpari domino!* quanquam quomodo iſte dominus? ſed tamen quam à diſpari tenebantur! ſtudiorum enim ſuorum M. Varro voluit eſſe illud, non libidinum diverſorium: quæ in illa villa antea dicebantur? quæ cogitabantur? quæ literis mandabantur? jura populi Romani, monumenta majorum, omnis ſapientiæ ratio omniſque doctrina. At vero, te inquilino (non enim domino) perſonabant omnia vocibus ebriorum: natabant pavimenta vino: madebant parietes: ingenui pueri cum meritoriis, ſcorta inter matresfamilias verſabantur. (86.) Caſſino ſalutatum veniebant, Aquino, Interamna: admiſſus eſt nemo; jure id quidem. In homine enim turpiſſimo obſolebant dignitatis inſignia. Cum inde Romam proficiſcens ad Aquinum accederet, obviam ei proceſſit (ut eſt frequens municipium) magna ſane multitudo; at iſte operta lectica latus eſt per oppidum, ut mortuus. Stulte Aquinates; ſed tamen in via habitabant: quid Anagnini? qui, cum eſſent devii [obviam ei] deſcenderunt, ut iſtum, tanquam ſi eſſet Conſul, ſalutarent: incredibile dictu eſt; tamen inter omnes conſtabat, neminem eſſe reſalutatum; præſertim cum duos ſecum Anagninos haberet, Muſtellam & Laconem; quorum alter gladiorum eſt princeps, alter poculorum. Quid ego illas iſtius minas contumeliaſque commemorem, quibus invectus eſt in Sidicinos? vexavit Puteolanos, quòd C. Caſſium, quòd Brutos patronos adoptaſſent: magno quidem judicio, ſtudio, benevolentia, caritate; non ut te, (87.) ut Baſilum, vi & armis, & alios veſtri ſimiles, quos clientes nemo habere velit, non modo eſſe illorum cliens.

XLII.

NOTES.

(86.) *Caſſino ſalutatum veniebant, Aquino, Interamna.*] Caſſinum was a town of Campania, now called *Monte Caſſino*. Aquinum was a town of the Latins, near Samnium; it was the place of Juvenal's birth, and is now called Aquino. Interamna was a town of Campania, not far from Aquinum; it derived its name from its ſituation between the rivers Melpis and Liris.

(87.) *Ut Baſilum.*] This Baſilus, it ſeems, was a perſon of a very infamous character, and a great temporizer; as appears from his joining Pompey in the civil wars, and afterwards aſſociating himſelf with Antony.

But who ever heard (and yet there was no man for whoſe welfare the public was more concerned) that any part of Varro's eſtate was ſequeſtred? yet if it ſhould appear that Cæſar wrote to you to reſtore it, what can be ſaid bad enough of ſuch monſtrous impudence? Remove thoſe ſwords a little which are now before our eyes, and you ſhall inſtantly ſee the difference betwixt Cæſar's authority for ordering a ſale, and your audacious preſumption. For not only the proprietor of that eſtate, but any friend, neighbour, gueſt, or ſteward of his, ſhall have it in his power to drive you from it.

SECT. XLI. Yet for how many days did you ſhamefully revel in that villa? from the third hour there was nothing but drinking, gaming, and vomiting. O unfortunate dwelling, *what a different maſter was there!* tho' how can he be called the maſter? yet how unlike its former poſſeſſor! For M. Varro intended it ſhould be a retreat for ſtudy, and not a haunt for lewdneſs. In that villa, what was formerly the ſubject of converſation? what of meditation? what was committed to writing? The conſtitution of Rome; the monuments of our anceſtors; every ſubject of learning and philoſophy. But while you was tenant there, (for you was not maſter) nothing was to be heard but the noiſe of drunkards; the pavements floated, the walls were ſtained with wine; free-born youths of liberal education were confounded with catamites, and matrons with common ſtrumpets. People came from Caſſinum, Aquinum, and Interamna, to pay you their compliments; not one was admitted. And this indeed was right: for the enſigns of conſular dignity were diſgraced by ſo infamous a fellow. In his return from thence to Rome, when he came to Aquinum, great numbers (for it is a populous town) came out to meet him; but he was carried thro' the ſtreets in a covered litter, as if he had been dead. The inhabitants of Aquinum acted fooliſhly; yet what could they do, they lived on the road. But what ſhall we ſay of the Anagnini? who, tho' they lived off the road, yet came down and complimented him, as if he had been really a conſul. It is incredible to relate, yet all agree that he returned no compliments; which is the more ſurpriſing, as he had two inhabitants of Anagni in his train, Muſtela and Laco: the one an excellent fencer, the other an excellent drinker. Why ſhould I mention the threats and abuſes he threw out againſt the Sidicinians? He oppreſſed the inhabitants of Puteoli, for putting themſelves under the patronage of C. Caſſius, and the Bruti; which they certainly did from principle, from inclination, from friendſhip, and affection; not from dread and terror, which forced them to follow you and Baſilus, whom no body would chuſe as clients, much leſs as patrons.

SECT.

XLII. Interea dum tu abes, qui dies ille collegæ tui fuit, cum illud, quod tu venerari ſolebas, buſtum in foro evertit? qua re tibi nuntiata, ut conſtabat inter eos, qui una fuerunt, concidiſti: quid evenerit poſtea, neſcio: metum credo valuiſſe, & arma. Collegam quidem de cœlo detraxiſti; effeciſtique non tu quidem etiam nunc, ut ſit ſimilis tui, ſed certe ut diſſimilis eſſet ſui. Qui vero reditus inde Romam? quæ perturbatio totius urbis? (88.) memineramus Cinnam nimis potentem; (89.) Sullam poſtea dominantem, Cæſarem regnantem videramus: erant fortaſſe gladii, ſed ii abſconditi, nec ita multi; iſta vero quæ & quanta barbaria eſt? agmine quadrato cum gladiis ſequuntur milites: ſcutorum lecticas portari videmus. Atque his quidem jam inveteratis, P. C. conſuetudine obduruimus; Kalendis Juniis, cum in Senatum, ut erat conſtitutum, venire vellemus, metu perterriti repente diffugimus: at iſte, qui Senatu non egeret, neque deſideravit quemquam, & potius diſceſſu noſtro lætatus eſt, ſtatim illa mirabilia facinora effecit: qui chirographa Cæſaris defendiſſet lucri ſui cauſa, is leges Cæſaris, eaſque præclaras, ut rempublicam concutere poſſet, evertit; numerum annorum provinciis prorogavit; idemque, cum actorum Cæſaris defenſor eſſe deberet, & in publicis, & in privatis rebus acta Cæſaris reſcidit. In publicis actis nihil eſt lege gravius: in privatis firmiſſimum eſt teſtamentum. Leges alias ſine promulgatione ſuſtulit: alias, ut tolleret promulgatas, promulgavit. Teſtamentum irritum fecit: quod etiam infimis civibus ſemper obtentum eſt; ſigna, tabulas, quas populo Cæſar

NOTES.

(88.) *Memineramus Cinnam nimis potentem.*] Cinna was a perſon of conſular dignity, cotemporary with Sylla, whoſe decrees, in his abſence, when he was attempting to reverſe, he was driven out of Rome by his collegue Octavius, with ſix of the tribunes, and depoſed from the conſulſhip. Upon this he raiſed an army, and recalled Marius, who, having joined his forces with him, entered Rome in a hoſtile manner, and with the moſt horrible cruelty put all Sylla's friends to the ſword, without regard to age, dignity, or former ſervices.

(89.) *Syllam poſtea dominantem.*] Sylla was deſcended of a noble and Patrician family, which yet, thro' the indolence of his anceſtors, had made no figure in the republic for many generations, and was almoſt ſunk into obſcurity; till he produced it again into light, by aſpiring to the honors of the ſtate. Marius and he ſerved as lieutenants in the Marſic or ſocial war, where Sylla diſtinguiſhed himſelf by his courage and bravery; and, as a reward of his ſervices was raiſed to the conſulſhip. A civil war breaking out ſoon after betwixt him and Marius, in which he had the advantage; he revenged himſelf in the moſt barbarous manner upon the Marian faction, and by the deteſtable method of a *proſcription*, of which he was the firſt author and inventor, exerciſed a more infamous cruelty in Rome, than had ever been practiſed in cold blood in that, or perhaps in any other city. As ſoon as the proſcriptions were over, he was declared dictator, without any limitation of time. Being inveſted by this office with abſolute authority, he made many uſeful regulations for the better order of the government; and by the plenitude of his power, changed in great meaſure the whole conſtitution of it, from a Democratical to an Ariſtocratical form, by advancing the prerogative of the ſenate, and depreſſing that of the people. That he might not be ſuſpected of aiming at a perpetual tyranny, and a total ſubverſion of the republic, he ſuffered the conſuls to be choſen in the regular manner, and to govern, as uſual, in all the ordinary affair

SECT. XLII. In the mean time, during your abſence, what a glorious day was that to your collegue, when he demoliſhed that monument in the forum, which you uſed to worſhip? at the news of which, we are told by thoſe who were preſent, you fainted away. What happened after that, I know not; I ſuppoſe, fear and the dread of arms then prevailed. You drew your collegue down from that glorious height to which his merit had raiſed him, and rendered him not ſo bad as yourſelf indeed, but ſurely very unlike to Dolabella. But what was your return from thence to Rome? what confuſion was the whole city thrown into? We remembred Cinna too powerful; we had ſeen Sylla afterwards tyranniſing; and had juſt beheld the uſurpation of Cæſar. Theſe had ſwords perhaps, but they were ſheathed, and few in number. But on that occaſion, how deteſtable, and how great were the barbarities you committed. Battalions of ſoldiers, with ſwords in their hands, followed you; and we ſaw litters carried along filled with bucklers. But theſe objects, Conſcript Fathers, were ſo frequent and ſo familiar to us, that we became quite inſenſible to them. On the firſt of June, when we would have met in the ſenate, according to appointment, ſtruck with ſudden fear, each of us fled. But he who neither wanted a ſenate, nor wiſhed for the counſels of any perſon, but rather rejoiced at our departure, immediately put in execution thoſe wonderful acts of his. He who had defended Cæſar's notes, while he could gain any thing by it, aboliſhed Cæſar's laws, and thoſe ſalutary ones, that he might overthrow the conſtitution. He prorogued the number of years for holding provinces; and this man, who ought to have been the defender of Cæſar's acts, repealed them; both thoſe of a public, and thoſe of a private nature. In public affairs, nothing is of more weight than a law; in private, nothing of greater force than a will. Some laws he aboliſhed without promulgation; others he ſtuck up, that he might aboliſh thoſe already promulged. He made a will of no effect; which is always valid even amongſt the meaneſt citizens. The ſtatues and pictures, which Cæſar, together

NOTES.

affairs of the city: whilſt he employed himſelf particularly in reforming the diſorders of the ſtate, by putting his new laws in execution. He afterwards laid down the dictatorſhip, and reſtored liberty to the republic; and, with an uncommon greatneſs of mind, lived many months as a private ſenator, and with perfect ſecurity in that city, where he had exerciſed the moſt bloody tyranny. Cicero, tho' he had a good opinion of his cauſe, yet deteſted the inhumanity of his victory; and never ſpeaks of him with reſpect, nor of his government, but as a proper tyranny; calling him a maſter of three moſt peſtilent vices, luxury, avarice, and cruelty. A little before his death, he made his own epitaph, the ſum of which was, *that no man had ever gone beyond him, in doing good to his friends, or hurt to his enemies.*

Cæſar una cum hortis legavit, eas hic partim in hortos Pompeii deportavit, partim in villam Scipionis.

XLIII. Et tu in Cæſaris memoria diligens? Tu illum amas mortuum? quem is majorem honorem conſecutus erat, quam ut haberet pulvinar, ſimulacrum, faſtigium, flaminem? eſt ero flamen, ut Jovi, ut Marti, ut Quirino, ſic Divo Julio Marcus Antonius? quid igitur ceſſas? cur non inaugurare? ſume diem: vide, qui te inauguret: collegæ ſumus: nemo negabit. O deteſtabilem hominem, ſive quod tyranni ſacerdos es, ſive quod mortui! Quæro deinceps, num hodiernus dies qui ſit ignores? neſcis, heri quartum in Circo diem ludorum Romanorum fuiſſe? te autem ipſum ad populum tuliſſe, ut quintus præterea dies Cæſari tribueretur? (90.) cur non ſumus prætextati? cur honorem Cæſari tua lege datum deferi patimur? an ſupplicationes addendo diem contaminari paſſus es, pulvinaria noluiſti? aut undique religionem tolle, aut uſquequaque conſerva. Quæres; placeatne mihi pulvinar eſſe, faſtigium, flaminem? mihi vero nihil iſtorum placet. Sed tu, qui acta Cæſaris defendis, quid potes dicere, cur alia defendas, alia non cures? niſi forte vis fateri te omnia quæſtu tuo, non illius dignitate metiri. Quid ad hæc tandem? exſpecto eloquentiam tuam: diſertiſſimum cognovi avum tuum; (91) at te etiam apertiorem in dicendo: ille nunquam nudus eſt concionatus; tuum hominis ſimplicis pectus vidimus. Reſpondebiſne ad hæc? aut omnino hiſcere audebis? ecquid reperies ex tam longa oratione mea, cui te reſpondere poſſe confidas? Sed præterita omittamus.

XLIV. Hunc unum diem, hunc unum, inquam, hodiernum diem, hoc punctum temporis, quo loquor, defende, ſi potes: cur armatorum corona Senatus ſeptus eſt? cur me tui ſatellites cum gladiis audiunt? cur valvæ Concordiæ non patent? cur homines omnium gentium maxime barbaros, Ityræos, cum ſagittis deducis in forum? Præſidii ſui cauſa ſe facere dicit. Nonne igitur millies perire eſt melius, quam in ſua civitate ſine armatorum præſidio non poſſe vivere? Sed nullum eſt iſtuc, mihi crede, præſidium; caritate & benevolentia civium ſeptum oportet eſſe, non armis. Eripiet, extor- quebi

NOTES.

(90.) *Cur non ſumus prætextati?*] Such Roman ſenators, as were actual magiſtrates of the city, as the conſuls, prætors, ædiles, tribunes, &c. during the year of their magiſtracy, always wore the *prætexta*, or a gown bordered round with a ſtripe of purple; in which habit alſo, all the reſt of the ſenate, who had already borne thoſe offices, uſed to aſſiſt at the public feſtivals and ſolemnities.

(91.) *At te etiam apertiorem in dicendo.*] Cicero here alludes to Antony's harangue naked during the feſtival of the Lupercal. There is an ambiguity in the original, which it is ſcarce poſſible to preſerve in an Engl tranſlation.

gether with his gardens, had left as a legacy to the Roman people, he carried off, partly to Pompey's gardens, partly to Scipio's country-ſeat.

SECT. XLIII. And are you watchful over Cæſar's memory? do you love him even in the grave? what higher honour could he poſſibly attain to, than to have a ſhrine, an image, a pavilion, and a prieſt? As Jupiter, as Mars, as Romulus then have their prieſts, is M. Antony prieſt to the deified Cæſar? why do you ſtop here? why are not you conſecrated? appoint a day: look out for ſome perſon to conſecrate you; we are collegues, no body will oppoſe it. Deteſtable wretch, whether conſidered as the prieſt of a tyrant, or of a dead man! I aſk you then, whether you know what a day this is? are you ignorant that yeſterday was the fourth day of the Roman games in the Circus? that you yourſelf propoſed to the people, that a fifth ſhould be dedicated to Cæſar? why then are we not in our proper robes? why do we ſuffer an honour conferred on Cæſar, by your law, to be neglected? Can you, who have ſuffered a day to be profaned by adding ſupplications, deny him ſhrines? either deſtroy religion in every reſpect, or maintain it in all. You will aſk, perhaps, whether I approve of a ſhrine, a pavilion, and a prieſt? I approve then of none of them. But you, who defend Cæſar's acts, what reaſon can you aſſign for defending ſome, and neglecting others? unleſs indeed you confeſs that you meaſure every thing by your own intereſt, not by his dignity. What anſwer can you make to theſe things? I long for a ſpecimen of your oratorical talents. I know that your grandfather was a man of great eloquence; but he was not ſo perſpicuous in ſpeaking as you are. He never harangued naked; but ſuch is your plainneſs and ſimplicity, that you laid open your very boſom to our view. Will you make no anſwer to this? won't you ſo much as venture to open your mouth? is there nothing in this long oration of mine, which you think you can anſwer? But let us omit what is paſt.

SECT. XLIV. Defend, if you can, this one day, this preſent day, I ſay, this very inſtant of time, in which I am now ſpeaking. Why is the ſenate beſet with a body of armed men? why do your guards now hear me with ſwords in their hands? why are not the doors of the temple of Concord thrown open? why do you bring into the forum the Ityreans, armed with darts; a race the moſt ſavage of all mankind? He anſwers, that he does it for his own ſafety. Is it not better then to undergo a thouſand deaths, than not to be able to live in your own country without an armed guard? But, believe me, that is no guard. The hearts and affections of your fellow-citizens, and not your arms, muſt be your protection. The people

quebit tibi iſta populus Romanus, utinam ſalvis nobis! ſed quoquo modo nobiſcum egeris, dum iſtis conſiliis uteris, non potes eſſe, mihi crede, diuturnus; etenim iſta tua minime avara conjux, quam ego ſine contumelia deſcribo, (92.) nimium debet diu populo Romano tertiam penſionem. Habet populus Romanus ad quos gubernacula reipublicæ deferat; qui ubicunque terrarum ſunt, ibi eſt omne reipublicæ præſidium, vel potius ipſa reſpublica, quæ ſe adhuc tantummodo ulta eſt, nondum recuperavit: habet quidem certe reſpublica adoleſcentes nobiliſſimos, paratos defenſores; quam volent, illi cedant, otio conſulentes; tamen à republica revocabuntur. Et nomen pacis dulce eſt, & ipſa res ſalutaris; ſed inter pacem & ſervitutem plurimum intereſt: pax eſt tranquilla libertas; ſervitus malorum omnium poſtremum, non modo bello, ſed morte etiam repellendum. Quod ſi ſeipſos illi noſtri liberatores è conſpectu noſtro abſtulerunt; at exemplum facti reliquerunt; illi quod nemo fecerat, fecerunt. Tarquinium Brutus bello eſt perſecutus; qui tamen rex fuit, cum eſſe Romæ regem licebat. Spurii Caſſius, Melius, M. Manlius propter ſuſpicionem regni appetendi ſunt necati: hi primi cum gladiis, non in regnum appetentem, ſed in regnantem impetum fecerunt; quod cum ipſum factum per ſe præclarum atque divinum eſt, tum expoſitum ad imitandum; præſertim cum illi eam gloriam conſecuti ſint, quæ vix cælo capi poſſe videatur. Etſi enim ſatis in ipſa conſcientia pulcherrimi facti fructus erat, tamen mortali immortalitatem non arbitror contemnendam.

XLV. Recordare igitur illum, M. Antoni, diem, quo Dictaturam ſuſtuliſti: pone ante oculos lætitiam Senatus populique Romani: confer cum hac nummatione tua tuorumque: tum intelliges, quantum inter laudem & lucrum interſit; ſed nimirum, ut quidam morbo aliquo & ſenſus ſtupore ſuavitatem cibi non ſentiunt; ſic libidinoſi, avari, facinoroſi veræ laudis guſtatum non habent. Sed ſi te laus allicere ad recte faciendum non poteſt, ne metus quidem à fœdiſſimis factis poteſt avocare? Judicia non metuis: ſi propter innocentiam, laudo: ſi propter vim, non intelligis, ei, qui iſto modo judicia non timeat, quid timendum ſit? Quod ſi non metuis viros fortes, egregioſque cives, quod à corpore tuo prohibentur armis; tui te, mihi crede, diutius non ferent. Quæ eſt autem vita, dies & noctes

NOTES.

(92.) *Nimium debet diu populo Romano tertiam penſion m.*] Fulvia, who was Antony's wife, had had three huſbands, Clodius, Curio, and Antony. The firſt was killed by Milo; the ſecond, being ſent by Cæſar againſt Juba, king of Mauritania, was defeated and killed; and Cicero here prognoſticates the death of her third huſband Antony.

of Rome will take away, will wreſt theſe from your hands, and I hope with ſafety to us all. But whatever way you deal with us, while you purſue ſuch meaſures, your reign, believe me, will be but ſhort. For too long has your generous ſpouſe, whom I mention without the leaſt reflection, owed the third debt ſhe has to pay to the Roman people. Rome has thoſe ſtill left, whom ſhe may ſafely truſt with the reins of government: in whatever parts of the world they are, there dwells all the ſafety of this ſtate, or rather the ſtate itſelf; which has yet only avenged herſelf, not recovered her former ſtrength. Our country has indeed youths of the greateſt quality, ready to defend her. Though it has been thought expedient for them to retire, out of regard to the public tranquillity, yet their country will recal them. Even the name of peace is pleaſing, and peace herſelf is ſalutary; yet between peace and ſervitude there is a wide difference. Peace is the tranquillity of liberty; ſervitude the worſt of all evils, to be repelled not only by force, but by death itſelf. But tho' theſe brave deliverers of ours have withdrawn themſelves from our ſight, yet have they left a glorious example. They have done what no one ever did before. Brutus made war upon Tarquin, who was king at a time when it was agreeable to the Roman conſtitution to have kings. Sp. Caſſius, Sp. Melius, M. Manlius were put to death on a ſuſpicion of affecting royalty. But our deliverers are the firſt who have drawn their ſwords, not againſt one who affected royalty, but one who was in actual poſſeſſion of it: an action, which as it is glorious and divine in itſelf, ſo is it worthy our imitation; eſpecially as the authors of it have acquired ſuch glory, as heaven itſelf ſeems ſcarce wide enough to contain. For tho' the conſciouſneſs of a glorious deed is a ſufficient reward, yet immortality, I think, ought not to be contemned by a mortal.

SECT. XLV. Call to mind then, M. Antony, that day when you aboliſhed the dictatorſhip: ſet before your eyes the joy of the ſenate and people of Rome: compare theſe objects with the treaſures you and yours have hoarded up, then will you perceive the difference betwixt profit and applauſe. But as ſome perſons, through ſickneſs and a ſtupefaction of the ſenſes, loſe all taſte for the moſt ſavoury food, ſo the luſtful, the covetous, the wicked have no reliſh for true glory. But if glory cannot allure thee to virtuous deeds, has fear nothing to reſtrain thee from the moſt ſcandalous actions? judiciary proceedings thou doſt not regard; if this proceeds from a conſciouſneſs of innocence, I commend it: if thro' a ſenſe of thy power, doſt thou not perceive how much the man has to fear who entertains ſuch a diſregard? But if you are above dreading brave men, and good citizens, becauſe your arms protect you; yet, believe me, your own creatures will not endure you any longer. And what

noctes timere à ſuis? niſi vero majoribus habes beneficiis obligatos, quam ille quoſdam habuit ex iis, à quibus eſt interfectus. An tu es ulla re cum eo comparandus? (93.) fuit in illo ingenium, ratio, memoria, literæ, cura, cogitatio, diligentia: res bello geſſerat, quamvis reipublicæ calamitoſas, attamen magnas: multos annos regnare meditatus, magno labore, magnis periculis, quod cogitarat, effecerat: muneribus, monumentis, congiariis, epulis, multitudinem imperitam delenierat: ſuos præmiis, (94.) adverſarios clementiæ ſpecie devinxerat. Quid multa? attulerat jam liberæ civitati, partim metu, partim patientia, conſuetudinem ſerviendi.

XLVI. Cum illo ego te dominandi cupiditate conferre poſſum: cæteris vero rebus nullo modo es comparandus. Sed ex plurimis malis, quæ ab illo reipublicæ ſunt inuſta, hoc tamen boni eſt, quod didicit jam populus Romanus, quantum cuique crederet, quibus ſe committeret, à quibus caveret. Hæc igitur non cogitas? nec intelligis, ſatis eſſe viris fortibus didiciſſe, quam ſit re pulchrum, beneficio gratum, fama glorioſum, tyrannum occidere? an, cum illum homines non tulerint, te ferent? certatim poſthac, mihi crede, ad hoc opus curretur, nec occaſionis tarditas exſpectabitur. Reſpice, quæſo aliquando rempublicam, M. Antoni: quibus ortus ſis, non quibuſcum vivas, conſidera: mecum, ut voles; cum republica redi in

NOTES.

(93.) *Fuit in illo ingenium, ratio, memoria, literæ.*] We have here a very fine encomium upon Cæſar, whom Cicero deſcribes as poſſeſſing many great and noble qualities. Nature indeed had formed him to excel in peace, as well as war; he was provident in council; fearleſs in action; generous beyond meaſure to his friends; and, for parts, learning and eloquence, ſcarce inferior to any man. His orations were admired for two qualities, which are ſeldom found together, ſtrength and elegance; Cicero ranks him among the greateſt orators that Rome ever bred; and Quintilian ſays, *that he ſpoke with the ſame force with which he fought; and if he had devoted himſelf to the bar, would have been the only man capable of rivalling Cicero.* Nor was he a maſter only of the politer arts; but converſant alſo with the moſt abſtruſe and critical parts of learning; and among other works, which he publiſhed, addreſſed two books to Cicero, *on the analogy of language*, or the art of ſpeaking and writing correctly. He was a moſt liberal patron of wit and learning, whereſoever they were found, and out of his love of thoſe talents, would readily pardon thoſe, who had employed them againſt himſelf: rightly judging, that by making ſuch men his friends, he ſhould draw praiſes from the ſame fountain, from which he had been aſperſed. His capital paſſions were ambition and love of pleaſure; which he indulged in their turns to the greateſt exceſs: yet the firſt was always predominant; to which he could eaſily ſacrifice all the charms of the ſecond, and draw pleaſure even from toils and dangers, when they miniſtred to his glory. For he thought *tyranny*, as Cicero ſays, *the greateſt of goddeſſes*; and had frequently in his mouth a verſe of Euripides, which expreſſed the image of his ſoul, *that if right and juſtice were ever to be violated, they were to be violated for the ſake of reigning.* This was the chief end and purpoſe of his life, the ſcheme that he had formed from his early youth; ſo that, as Cato truly declared of him, *he came with ſobriety and meditation to the ſubverſion of the republic.* He uſed to ſay, *that there were two things neceſſary, to acquire and ſupport power, ſoldiers and money*; which yet depended mutually on each other; with money therefore he provided ſoldiers; and with ſoldiers he extorted money; and was of all

what a life is it to be under continual apprehenſions, night and day, from your own party? unleſs they are under greater obligations to you, than thoſe who put Cæſar to death were to him. But are you in any reſpect to be compared with Cæſar? He had genius, ſenſe, memory, learning, foreſight, conſideration, and activity: his atchievements in war, tho' deſtructive to his country, were yet great in themſelves: having meditated uſurpation for many years, at length, with great toil and many dangers, he accompliſhed his deſign: with preſents, ſhews, largeſſes and entertainments, he ſoothed the thoughtleſs multitude; his friends he obliged by his generoſity, and his enemies by a ſhew of clemency. In a word, partly by fear, partly by patience, he brought a free ſtate to a habit of ſlavery.

SECT. XLVI. As to the luſt of power, indeed, you may be compared with him, tho' in no other reſpect will the compariſon hold. But, from the numberleſs evils he brought upon his country, this advantage ſtill ariſes, that the people of Rome have now learnt how far any man is to be truſted, into whoſe hands they may commit themſelves, and whom they ought to be upon their guard againſt. Do you not reflect on theſe things? do you not perceive that it is enough for brave men to have learned that the moſt beautiful action in itſelf, the moſt delightful in its conſequences, and the moſt illuſtrious in fame, is that of killing a tyrant? When they could not bear with him, will they bear with you? Believe me, men will now run eagerly into ſuch an enterpriſe, nor will they wait for ſlow opportunity. I beſeech you then, M. Antony, caſt your eye at laſt upon your country. Conſider thoſe you are deſcended from, not thoſe

NOTES.

all men the moſt rapacious in plundering, both friends and foes; ſparing neither prince nor ſtate, nor temple, nor even private perſons, who were known to poſſeſs any ſhare of treaſure. His great abilities would neceſſarily have made him one of the firſt citizens of Rome; but diſdaining the condition of a ſubject, he could never reſt, till he had made himſelf a monarch. In acting this laſt part, his uſual prudence ſeemed to fail him; as if the height, to which he was mounted, had turned his head, and made him giddy: for by a vain oſtentation of his power, he deſtroyed the ſtability of it; and as men ſhorten life by living too faſt, ſo by an intemperance of reigning, he brought his reign to a violent end.

(94.) *Adverſarios clementiæ ſpecie devinxerat.*] Cæſar has often been highly celebrated by his flatterers for clemency; which ſeems, however, to have been an aſſumed, and not a real quality in him. Whoever attentively conſiders his character, will find it very difficult, we apprehend, to perſuade himſelf that he who was guilty of the greateſt cruelty in making war upon, and enſlaving his country, would have relinquiſhed his mad ſchemes of ambition, if gentle methods had failed him, rather than have recourſe to acts of blood and vengeance. After having ſeen how Marius and Sylla were hated for their perſonal cruelties, no wonder that he ſhould put on the appearance of this, as well as of other virtues. But that clemency was not his natural character, we have the expreſs teſtimony of his friend Curio, who well knew him: Cœlius too, one of his partizans, freely ſays of him in a letter to Cicero, that he meditated nothing, but what was violent and tragical, nor even ſpoke in any other ſtrain.

in gratiam. Sed de te tu ipſe videris: ego de me ipſo profitebor; defendi rempublicam adoleſcens, non deſeram ſenex: contempſi Catilinæ gladios, non pertimeſcam tuos; quin etiam corpus libenter obtulerim, ſi repræſentari morte mea libertas civitatis poteſt; ut aliquando dolor populi Romani pariat quod jamdiu parturit. Etenim ſi abhinc annos prope viginti hoc ipſo in templo negavi, poſſe mortem immaturam eſſe Conſulari, quanto verius nunc negabo ſeni? Mihi vero P. C. jam etiam optanda mors eſt, perfuncto rebus iis, quas adeptus ſum, quaſque geſſi: duo modo hæc opto; unum, ut moriens populum Romanum liberum relinquam: hoc mihi majus à diis immortalibus dari nihil poteſt: alterum, ut ita cuique eveniat, ut de republica quiſque mereatur.

ORA-

thoſe with whom you live: Behave towards me as you will, but be no longer an enemy to your country. But theſe are your concerns; as for me, I will make this public declaration: I defended the ſtate in my youth, and will not abandon it in my old age; I deſpiſed the ſwords of Catiline, and will not fear yours. Nay, I would willingly expoſe my perſon, if by my death the liberties of Rome could be immediately recovered, and the Roman people could be delivered from that painful load they have been ſo long in labour of. For, if near twenty years ago I declared in this very temple, that death could not be untimely to me, when conſular; how much more truly can I make that declaration now that I am an old man. To me, Conſcript Fathers, death is now even deſirable, after the many honours I have obtained, and the duties I have performed. Two things only I wiſh for; the firſt is, that I may leave the Roman people free; and a greater bleſſing than this the immortal gods cannot beſtow upon me: the other, that every man may be rewarded as he has deſerved of his country.

ORATIO XVII.

In M. ANTONIUM PHILIPPICARUM *. PHILIPPICA IX.

I. VELLEM, dii immortales feciſſent, P. C. ut vivo potius Servio Sulpicio gratias ageremus, quam mortuo honores quæreremus. Nec vero dubito, quin, ſi ille vir legationem renuntiare potuiſſet, reditus ejus & nobis gratus fuerit, & reipublicæ ſalutaris futurus: non quo L. Philippo & L. Piſoni aut ſtudium, aut cura defuerit in tanto officio tantoque munere; ſed cum Servius Sulpicius ætate illos anteiret, ſapientia omnes, ſubito ereptus è cauſa totam legationem orbam & debilitatam reliquit. Quod ſi cuiquam juſtus

NOTES.

* Servius Sulpicius was of a noble and patrician family, of the ſame age, the ſame ſtudies, and the ſame principles with Cicero, with whom he kept up a perpetual friendſhip. They went through their exerciſes together when young, both at Rome, and at Rhodes, in the celebrated ſchool of Molo: whence he became an eminent pleader of cauſes, and paſſed through all the great offices of ſtate, with a ſingular reputation of wiſdom, learning, and integrity; a conſtant admirer of the modeſty of the ancients; and a reprover of the inſolence of his own times. When he could not arrive at the firſt degree of fame as an orator, he reſolved to excel in what was next to it, the character of a lawyer; chuſing rather to be firſt in the ſecond art, than the ſecond only in the firſt: leaving therefore to his friend Cicero the field of eloquence, he contented himſelf with ſuch a ſhare of it, as was ſufficient to ſuſtain and adorn the profeſſion of the law. In this he ſucceeded to his wiſh, and was far ſuperior to all, who had ever profeſſed it in Rome; being the firſt who reduced it to a proper ſcience, or rational ſyſtem; and added light and method to that, which all others before him, had taught darkly and confuſedly. Nor was his knowledge confined to the external forms, or the effects of the municipal laws; but enlarged by a comprehenſive view of univerſal equity, which he made the interpreter of its ſanctions, and the rule of all his deciſions; yet he was always better pleaſed to put an amicable end to a controverſy, than to direct a proceſs at law. In his political behaviour, he was always a friend to peace and liberty; moderating the violence of oppoſite parties, and diſcouraging every ſtep towards civil diſſenſion; and in the war between Cæſar and Pompey, was ſo buſy in contriving projects of an accommodation, that he gained the name of the *peace-maker*. Through a natural timidity of temper, confirmed by a profeſſion and courſe of life averſe from arms, though he preferred Pompey's cauſe as the beſt, he did not care to fight for it; but taking Cæſar's to be

ORATION XVII.

The Ninth againſt M. ANTONY.

SECT. I. I Wiſh, Conſcript Fathers, the immortal gods had put it in our power to return thanks to the living Ser. Sulpicius, rather than to decree honours to his memory. Nor have I the leaſt doubt, but if that great man could have returned from his embaſſy, his return would have been both agreeable to us, and beneficial to the ſtate; not that L. Philippus and L. Piſo were wanting in diligence or attention, in the diſcharge of ſo important an office and truſt; but as Ser. Sulpicius exceeded them in years, and all men in wiſdom, his being cut off ſo ſuddenly, left the em-

NOTES.

be the ſtrongeſt, ſuffered his ſon to follow that camp, while he himſelf continued quiet and neuter: for this he was honoured by Cæſar, yet could never be induced to approve his government. From the time of Cæſar's death, he continued ſtill to adviſe and promote all meaſures, which ſeemed likely to eſtabliſh the public concord. He was ſent with L. Philippus and L. Piſo, both conſular ſenators, upon an embaſſy to Antony, to deſire him in the name of the ſenate, to quit the ſiege of Modena, and deſiſt from all hoſtilities in Gaul; but died before he reached Antony's camp. When the news of his death was brought to Rome, Panſa called the ſenate together, to deliberate on ſome proper honours to be decreed to his memory. He ſpoke largely in his praiſe, and adviſed to pay him all the honours, which had ever been decreed to any, who had loſt their lives in the ſervice of their country: a public funeral, ſepulchre, and ſtatue. Servilius, who ſpoke next, agreed to a funeral and monument, but was againſt a ſtatue; as due only to thoſe, who had been killed by violence, in the diſcharge of their embaſſies. Cicero was not content with this, but out of private friendſhip to the man, as well as regard to the public ſervice, reſolved to have all the honours paid to him, which the occaſion could poſſibly juſtify. In anſwer therefore to Servilius, he ſhews, in this oration, with his uſual eloquence, that the caſe of Sulpicius was the ſame with the caſe of thoſe, who had been killed on the account of their embaſſies. The ſenate, agreeably to Cicero's deſire, granted the ſtatue, which, we are told by a writer of the third century, remained to his time in the roſtra of Auguſtus. This oration was delivered in the year of Rome 710, and of Cicero's age 64.

juſtus honos habitus eſt in morte legato, in nullo juſtior, quam in Ser. Sulpicio, reperietur. Cæteri, qui in legatione mortem obierunt, ad incertum vitæ periculum, ſine ullo mortis metu, profecti ſunt: Ser. Sulpicius cum aliqua perveniendi ad M. Antonium ſpe profectus eſt, nulla revertendi; qui cum ita affectus eſſet, ut, ſi ad gravem valetudinem labor vitæ acceſſiſſet, ſibi ipſe diffideret, non recuſavit, quò minus vel extremo ſpiritu, ſi quam opem reipublicæ ferre poſſet, experiretur. Itaque non illum vis hiemis, non nives, non longitudo itineris, non aſperitas viarum, non morbus ingraveſcens retardavit: cumque jam ad congreſſum colloquiumque ejus perveniſſet, ad quem erat miſſus; in ipſa cura & meditatione obeundi ſui muneris exceſſit è vita. Ut igitur alia, ſic hoc, C. Panſa, præclare, quod nos ad ornandum Ser. Sulpicium cohortatus es, & ipſe multa copioſe de illius laude dixiſti; quibus à te dictis, nihil præter ſententiam dicerem, niſi P. Servilio reſpondendum putarem, qui hunc honorem ſtatuæ nemini tribuendum cenſuit, niſi ei qui ferro eſſet in legatione interfectus. Ego autem, P.C. ſic interpretor ſenſiſſe majores noſtros, ut cauſam mortis cenſuerint, non genus eſſe quærendum. Etenim cui legatio ipſa morti fuiſſet, ejus monumentum exſtare voluerunt; ut in bellis periculoſis obirent homines legationis munus audaciùs. Non igitur exempla majorum quærenda, ſed conſilium eſt eorum, à quo ipſa exempla nata ſunt, explicandum.

II. (1.) Lar Tolumnius, rex Veientium, quatuor legatos populi Romani Fidenis interemit; quorum ſtatuæ in Roſtris ſteterunt uſque ad noſtram memoriam: juſtus honos; iis enim majores noſtri qui ob rempublicam mortem obierant, pro brevi vita diuturnam memoriam reddiderunt. Cn. Octavii, clari viri & magni, qui primus in eam familiam, quæ poſtea viris fortiſſimis floruit, attulit Conſulatum, ſtatuam videmus in Roſtris; nemo tum novitati invidebat, nemo virtutem non honorabat. At ea fuit legatio Octavii, in qua periculi ſuſpicio non ſubeſſet. Nam cum eſſet miſſus à Senatu ad animos

NOTES.

(1.) *Lar Tolumnius rex Veientium.*] In the year of Rome 315, the Fidenates threw off the Roman yoke, and put themſelves under the protection of Tolumnius, king of the Veientes; by whoſe orders they murdered four ambaſſadors, whom the Romans ſent to them to aſk the reaſon of their conduct. So enormous a proceeding was followed by a bloody war; the brave Mamercus Æmilius was nominated dictator, and defeated the Veientes and Fidenates, with the Faliſci, who joined them, in a pitched battle. Tolumnius was ſlain in the action by Cornelius Coſſus, a legionary tribune, who ſtripped him of his armour and royal robes; and theſe ſpoils, called *opima ſpolia*, Cornelius afterwards carried on his ſhoulders in the dictator's triumph, and then depoſited them in the

baſſy maimed and imperfect. But if due honours have ever been decreed to any embaſſador after his death, they can be due to none more than to Ser. Sulpicius. Others, who have died during their embaſſy, left Rome without any certain hazard of their lives, without any apprehenſions of death: Ser. Sulpicius ſet out with ſome hopes of reaching M. Antony, but with no hopes of returning. Tho' he was in ſo bad a ſtate of health, that he even deſpaired of himſelf, if he ſhould add the fatigue of a journey to his indiſpoſition, yet he refuſed not to try if with his laſt breath he could be of any ſervice to his country. Accordingly, neither the rigour of the winter, the ſnow, the length of the journey, the roughneſs of the roads, nor his increaſing indiſpoſition could retard him; and when he had reached the perſon to whom he was ſent, he died the very moment he was going to enter into a conference with him, and diſcharge his commiſſion. On this therefore, C. Panſa, as well as on all other occaſions you have acted nobly, by exhorting us to honour the memory of Ser. Sulpitius, and by ſpeaking ſo copiouſly in his praiſe. To what you have ſaid I ſhould add nothing, and only declare my aſſent, were it not that I think it neceſſary to reply to P. Servilius, who has delivered it as his opinion, that the honour of a ſtatue is only due to thoſe, who have been killed by violence in the diſcharge of their embaſſy. But, in my opinion, Conſcript Fathers, it was not the manner, but the cauſe of the death that our anceſtors regarded: for they granted a monument to him whoſe death was cauſed by his embaſſy, that in dangerous wars men might undertake the office of embaſſador with greater chearfulneſs. We are not to ſeek precedents then from our anceſtors, but explain the intentions of thoſe, from whom thoſe very precedents ſprung.

SECT. II. Lar Tolumnius, king of the Veientes, put to death, at Fidenæ, four embaſſadors of the Roman people, whoſe ſtatues I remember to have ſeen in the roſtra. And this honour was due to them; for as they had ſuffered death on account of their country, our anceſtors, for the life they had loſt, a life ſhort at beſt, rendered their memory laſting. The ſtatue of Cn. Octavius, an illuſtrious and great man, who firſt introduced the conſulſhip into that family, which has ſince been fruitful in the braveſt of men, we ſtill behold in the roſtra. No one, at that time, envied new men; virtue was honoured by all. But ſuch was the embaſſy of Octavius, that there was not the leaſt ſuſpicion of danger in it: for being ſent

NOTES.

the temple of Jupiter Feretrius. They were the ſecond of the ſort known in Rome: the firſt were borne by Romulus, who killed king Acron in ſingle combat.

animos regum perſpiciendos liberorumque populorum, (2.) maximeque ut nepotem Antiochi regis, ejus qui cum majoribus noſtris bellum geſſerat, claſſes habere, elephantos alere prohiberet, Laodiceæ in gymnaſio à quodam Leptine eſt interfectus. Reddita eſt ei tum à majoribus ſtatua pro vita, quæ multos per annos progeniem ejus honeſtaret, nunc ad tantæ familiæ memoriam ſola reſtaret. Atqui & huic, & Tullo Cluvio, & Lucio Roſcio, & Sp. Antonio, & C. Fulcinio, qui à Veientium rege cæſi ſunt, non ſanguis, qui eſt profuſus in morte, ſed ipſa mors ob rempublicam obita, honori fuit.

III. Itaque P. C. ſi Ser. Sulpicio caſus mortem attuliſſet, dolerem quidem tanto reipublicæ vulnere, mortem vero ejus non monumentis, ſed luctu publico eſſe honorandam putarem. Nunc autem quis dubitat, quin ei vitam abſtulerit ipſa legatio? ſecum enim ille mortem extulit: quam, ſi nobiſcum remanſiſſet, ſua cura, optimi filii, fideliſſimæque conjugis diligentiâ vitare potuiſſet. At ille, cum videret, ſi veſtræ auctoritati non paruiſſet, diſſimilem ſe futurum ſui; ſin paruiſſet, munus ſibi illud pro republica ſuſceptum vitæ finem fore; maluit in maximo reipublicæ diſcrimine emori, quàm minus, quàm potuiſſet, videri reipublicæ profuiſſe. Multis illi in urbibus, qua iter faciebat, reficiendi ſe & curandi poteſtas fuit: adérat hoſpitum invitatio liberalis pro dignitate ſummi viri, & eorum hortatio, qui una erant miſſi, ad requieſcendum, & vitæ conſulendum. At ille properans, feſtinans, mandata veſtra conficere cupiens, in hac conſtantia, morbo adverſante, perſeveravit. Cujus cùm adventu maxime perturbatus eſſet Antonius, quod ea, quæ ſibi juſſu veſtro denunciarentur, auctoritate erant & ſententia Ser. Sulpicii conſtituta; declaravit quàm odiſſet Senatum, cum auctorem Senatus exſtinctum læte atque inſolenter tulit. Non igitur magis Octavium Leptines, nec Veientium rex eos, quos modo nominavi, quam Ser. Sulpicium occidit Antonius. Is enim profecto mortem attulit, qui cauſa mortis fuit. Quocirca ad poſteritatis etiam memoriam pertinere arbitror, exſtare, quod fuerit de hoc bello judi-

cium

NOTES.

(2.) *Ut nepotem Antiochi regis*, &c.] This was Antiochus Eupator, grandſon of Antiochus ſurnamed the Great. At the death of his father Antiochus Epiphanes, he was only nine years old, and left under the guardianſhip of Lyſias. When the news of Epiphanes's death came to Rome, the ſenate diſpatched Cn. Octavius and two others, to aſſume the adminiſtration of the government of Syria; and to theſe they gave inſtructions to burn all the deck'd ſhips, diſable the elephants, and, in a word, weaken as much as poſſible the forces of the kingdom. Octavius, in his journey, paſſed through Cappadocia, where king Ariarathes offered him an army, to eſcort him into Syria, and to keep the people of that country in awe, while he performed his commiſſion. But he, confiding in the majeſty of the Roman name, diſdained all other protection. At Laodicea, he began to put the orders of the ſenate in execution, burning the ſhips, and diſabling the elephants. His pretence was the treaty, made with Antiochus the Great, in which it had been ſtipulated, that the Syrians ſhould not have above a certain number of ſhips of war

ſent by the ſenate to penetrate into the intentions of kings and free nations, but chiefly to forbid the grandſon of that Antiochus, who had waged war with our anceſtors, to maintain fleets, or bring up elephants, he was ſlain by one Leptines in the gymnaſium at Laodicea. A ſtatue was then beſtowed upon him by our anceſtors for the life he had loſt; which for many years after did honour to his deſcendants, and at preſent is the only monument extant to the memory of that illuſtrious family. But it was not the blood which was poured forth in death, but death itſelf, undergone for the ſake of the republic, that procured this honour to him, and to Tullus Cluvius, L. Roſcius, Sp. Antius, and C. Fulcinius, who were killed by the king of the Veientes.

SECT. III. If therefore, Conſcript Fathers, Serv. Sulpicius had loſt his life, by any accident, I ſhould have been deeply concerned indeed for the loſs my country had ſuſtained; and ſhould have thought that his memory ought to be honoured not by monuments, but by public mourning. But now can there be any doubt that the embaſſy killed him? He carried death out along with him, which, had he ſtaid at home, he might have eſcaped by his own care, by the tenderneſs of an excellent ſon, and moſt faithful wife. But when he ſaw, that if he did not obey your authority, he ſhould be unlike himſelf; and if he did obey, that the office he had undertaken for his country, would put an end to his life; he choſe, in ſo critical a ſtate of the republic, rather to die, than ſeem to decline any ſervice, which he could poſſibly do. In many of the cities, through which he paſſed, he had opportunities of refreſhing and repoſing himſelf. His hoſts generouſly offered him every thing that was ſuitable to the dignity of ſo great a man, and joined with his collegues in preſſing him to reſt, and conſult his own life; but, in ſpite of his diſtemper, he perſevered in the reſolution of urging his journey, and haſtening to perform the commands of the ſenate. His arrival greatly diſconcerted Antony, becauſe what was declared to him by your orders, was ſettled by the authority and advice of Servius Sulpitius; and he ſhewed how much he hated the ſenate, when he expreſſed ſuch inſolent joy at the death of ſo illuſtrious a ſenator. Ser. Sulpicius then was as truly killed by Antony, as Octavius was by Leptines; or thoſe I have juſt now mentioned, by the king of the Veientes. For he certainly killed him, who was the cauſe of his death. For which reaſon, I think, we ought to leave to poſterity ſome monument of the opinion of the ſenate

NOTES.

nor tame any elephants. This deſpotic manner of proceeding highly exaſperated the people; and one Leptines, ſuppoſed to be hired by Lyſias, aſſaſſinated Octavius in the *Gymnaſium*.

cium Senatus; erit enim ſtatua ipſa teſtis, bellum tam grave fuiſſe, ut legati interitus honoris memoriam conſecutus ſit.

IV. Quod ſi excuſationem Ser. Sulpicii, P. C. legationis obeundæ recordari volueritis, nulla dubitatio relinquetur, quin honore mortui, quam vivo injuriam fecimus, ſarciamus. Vos enim, P. C. (grave dictu eſt, ſed dicendum tamen) vos, inquam, Ser. Sulpicium vita privaſtis. Quem cum videretis re magis morbum, quam oratione excuſantem, non vos quidem crudeles fuiſtis (quid enim minus in hunc ordinem convenit?) ſed cum ſperaretis nihil eſſe, quod non illius auctoritate & ſapientia effici poſſet, vehementius excuſationi obſtitiſtis; atque eum, qui ſemper veſtrum conſenſum graviſſimum judicaviſſet, de ſententia dejeciſtis. Ut vero Panſæ Conſulis acceſſit cohortatio gravior, quam aures Ser. Sulpicii ferre didiciſſent, tum vero denique filium, meque ſeduxit, atque ita locutus eſt, ut auctoritatem veſtram vitæ ſuæ ſe diceret anteferre; cujus nos virtutem admirati non auſi ſumus adverſari voluntati: movebatur ſingulari pietate filius: non multum ejus perturbationi meus dolor concedebat: ſed uterque noſtrûm cedere cogebatur magnitudini animi, orationiſque gravitati; cum quidem ille maxima laude & gratulatione omnium veſtrûm pollicitus eſt, ſe quod velletis eſſe facturum, neque ejus ſententiæ periculum vitaturum, cujus ipſe auctor fuiſſet: quem exſequi mandata veſtra properantem mane poſtridie proſecuti ſumus; qui quidem diſcedens mecum ita locutus eſt, ut ejus oratio omen fati videretur.

V. Reddite igitur, P. C. ei vitam, cui ademiſtis; vita enim mortuorum in memoria vivorum eſt poſita: perficite ut is, quem vos inſcii ad mortem miſiſtis, immortalitatem habeat à vobis: cui ſtatuam in Roſtris decreto veſtro ſtatueritis, nulla ejus legationem poſteritatis obſcurabit oblivio. Nam reliqua Ser. Sulpicii vita multis erit præclariſque monumentis ad omnem memoriam commendata; ſemper illius gravitatem, conſtantiam, fidem, præſtantem in republica tuenda curam atque prudentiam, omnium mortalium fama celebrabit. Nec vero ſilebitur admirabilis quædam & incredibilis, (3) ac pene divina ejus in legibus interpretandis, æquitate explicanda,

NOTES.

(3.) *Ac pene divina ejus in legibus interpretandis, ſcientia.*] The old lawyers tell a remarkable ſtory of the origin of Sulpicius's fame and ſkill in the law: that going one day to conſult Mucius Scævola about ſome point, he was ſo dull in apprehending the meaning of Mucius's anſwer, that after explaining it to him twice or thrice, Mucius could not forbear ſaying, *It is a ſhame for a nobleman and a patrician, and a pleader of*

ſenate concerning this war; and this ſtatue will bear witneſs that it was ſo important a war, that the death of one who was employed in it as an embaſſador had honours paid to it.

SECT. IV. If you will but recollect, Conſcript Fathers, how Ser. Sulpicius endeavoured to excuſe himſelf from undertaking the embaſſy, you muſt needs be convinced that this honour to him, when dead, is but a neceſſary amends for the injury done to him, when living. For you, Conſcript, Fathers, (it is a harſh ſaying, but I muſt ſay it) you were the perſons who deprived Ser. Sulpicius of life. When you ſaw that his excuſe was grounded not on a pretended, but on a real indiſpoſition, you were not indeed cruel, (for nothing can be more compaſſionate than this order) but as you flattered yourſelves that there was nothing which his authority and wiſdom could not effect, you over-ruled his excuſe, and obliged him who always thought your ſentiments of the greateſt weight, to yield to your remonſtrances. And when the conſul Panſa joined his exhortation, with a gravity and force of ſpeech, which the ears of Ser. Sulpitius had not learnt to bear, he then took his ſon and me aſide, and profeſſed that he could not help preferring your authority to his own life. We, through admiration of his virtue, durſt not venture to oppoſe his will. His ſon was tenderly moved, nor was my concern much leſs; yet both of us were obliged to give way to the greatneſs of his mind, and the force of his reaſoning; when, to the great joy, and with the great applauſe of you all, he promiſed, that he would do whatever you preſcribed, nor would decline the danger of that vote, of which he himſelf had been the propoſer. Next morning we ſaw him ſet out, eager to execute your orders; we accompanied him part of the way, and the words which he ſpoke to me at parting ſeemed a preſage of his fate.

SECT. V. Reſtore life then, Conſcript Fathers, to him, from whom you have taken it away. For the life of the dead is in the memory of the living. Take care that he, whom you unwillingly ſent to his death, receive an immortality from you. If you decree a ſtatue to him in the roſtra, the remembrance of his embaſſy will remain to all poſterity. For the other actions of Ser. Sulpicius's life will have many glorious monuments to perpetuate their memory. His gravity, ſteadineſs, honour, great care and prudence in defending the ſtate, will be for ever celebrated among mankind; nor will his admirable, incredible, and almoſt divine ſkill in interpreting the laws, and explaining them according to the principles of equity, be buried

NOTES.

cauſes to be ignorant of that law, which he profeſſes to underſtand. The reproach ſtung him to the quick, and made him apply himſelf to his ſtudies with ſuch induſtry, that he

canda, ſcientia. Omnes ex omni ætate, qui in hac civitate intelligentiam juris habuerunt, ſi unum in locum conferantur, cum Ser. Sulpicio non ſunt comparandi. Neque enim ille magis Juris conſultus, quam Juſtitiæ fuit. Ita ea, quæ proficiſcebantur à legibus, & à jure civili, ſemper ad facilitatem æquitatemque referebat; neque inſtituere litium actiones malebat, quam controverſias tollere. Ergo hoc ſtatuæ monumento non eget; habet alia majora: hæc enim ſtatua mortis honeſtæ teſtis erit; illa, memoria vitæ glorioſæ: ut hoc magis monumentum grati Senatûs, quam clari viri futurum ſit. Multum etiam valuiſſe ad patris honorem pietas filii videbitur; qui quanquam afflictus luctu non adeſt, tamen ſic animati eſſe debetis, ut ſi ille adeſſet: eſt autem ita affectus, ut nemo unquam unici filii mortem magis doluerit, quam ille mœret patris. Et quidem etiam ad famam Ser. Sulpicii filii arbitror pertinere, ut videatur honorem debitum patri præſtitiſſe; quanquam nullum monumentum clarius Ser. Sulpicius relinquere potuit, quam effigiem morum ſuorum, virtutis, conſtantiæ, pietatis, ingenii ſilium: cujus luctus aut hoc honore veſtro, aut nullo ſolatio levari poteſt.

VI. Mihi autem recordanti Ser. Sulpicii multos in familiaritate noſtra ſermones, gratior illi videtur, ſi quis eſt ſenſus in morte, ænea ſtatua futura, & ea pedeſtris, quàm inaurata equeſtris; (4.) qualis eſt L. Sullæ prima ſtatua: mirifice enim Ser. Sulpicius majorum continentiam diligebat; hujus ſeculi inſolentiam vituperabat. Ut igitur ſi ipſum conſulam, quid velit, ſic pedeſtrem ex ære ſtatuam, tanquam ex ejus auctoritate & voluntate decerno: quæ quidem magnum civium dolorem & deſiderium honore monumenti minuet & leniet. Atque hanc meam ſententiam, P. C. P. Servilii ſententia comprobari neceſſe eſt, qui ſepulcrum publice decernendum Ser. Sulpicio cenſuit, ſtatuam non cenſuit. Nam ſi mors legati ſine cæde atque ferro nullum honorem deſiderat, cur decernit honorem ſepulturæ, qui maximus haberi poteſt mortuo? Sin id tribuit Ser. Sulpicio, quod non eſt datum Cn. Octavio; cur, quod illi datum eſt, huic dandum eſſe non cenſet? Majores quidem noſtri ſtatuas multis decre-

NOTES.

he became the ableſt lawyer in Rome; and left behind him near a hundred and eighty books, written by himſelf, on nice and difficult queſtions of law. Digeſt. L. 1. Tit. 2. Parag. 43

(4.) *Qualis eſt L. Sullæ.*] Sylla had three ſtatues erected to him in the roſtra; the firſt, according to Pliny, was a pedeſtrian ſtatue of braſs, the other two equeſtrian.

buried in ſilence. Tho' all thoſe, who have ever applied themſelves to the ſtudy of the law in this ſtate, were to be brought together into one place, they would not deſerve to be compared with Servius Sulpitius. Nor was he leſs acquainted with the principles of univerſal equity, than he was with the laws of his country. Accordingly, in every point relating to the civil law and the ordinances of the ſtate, he made equity the rule of his deciſions; and was always better pleaſed to put an amicable end to a controverſy, than to direct a proceſs at law. Theſe things, therefore, do not ſtand in need of a ſtatue to perpetuate their memory; there remain other more glorious monuments of them, which will bear teſtimony to the glory of his life; whereas the ſtatue will only teſtify his honourable death, and be rather a monument of the gratitude of the ſenate, than of the fame of the man. The piety of the ſon too will contribute not a little to the glory of the father; who, tho' he is prevented by exceſſive grief from being preſent, yet ought you to be as favourably diſpoſed as if he were. So great indeed is his concern, that no one ever grieved more for the death of an only ſon, than he does for that of his father. It likewiſe concerns the reputation of Servius Sulpicius the ſon, that he pay all due honours to his father; tho' Servius Sulpicius could leave no more illuſtrious monument behind him than a ſon, the image of his manners, of his virtue, ſteadineſs, piety, and genius; whoſe grief can be ſoftned by your thus honouring his father, or he is utterly inconſolable.

SECT. VI. When I recollect the many converſations which my intimacy with Ser. Sulpicius gave me an opportunity of enjoying, I am perſuaded that, if he is ſenſible of any thing after death, a pedeſtrian ſtatue in braſs, ſuch as Sylla's firſt ſtatue, will be more agreeable to him than a gilt equeſtrian ſtatue. For Servius Sulpicius was a great admirer of the modeſty of our anceſtors; and condemned the haughty extravagance of the preſent times. As if I had conſulted himſelf therefore upon what would be moſt agreeable to him, as the interpreter of his pleaſure, I declare for a pedeſtrian ſtatue of braſs; which honourable monument will alleviate and leſſen the ſorrow of his fellow-citizens for his loſs. And what I ſay, Conſcript Fathers, muſt needs be approved of by P. Servilius, who delivered it as his opinion, that a ſepulchre ought publicly to be decreed to Ser. Sulpicius; but not a ſtatue. For if the death of an ambaſſador without blood or violence requires no honours, why does he decree the honour of a ſepulchre, which may be reckoned the greateſt that can be conferred on the dead? But if he grants that to Ser. Sulpicius, which was not granted to Cn. Octavius, why does he refuſe to the former what was granted to the latter? Our anceſtors have

4

decreverunt, ſepulcra paucis: ſed ſtatuæ intereunt tempeſtate, vi, vetuſtate; ſepulcrorum autem ſanctitas in ipſo ſolo eſt, quod nulla vi moveri neque deleri poteſt; atque ut cætera exſtinguuntur, ſic ſepulcra ſanctiora fiunt vetuſtate. Augeatur igitur iſto etiam honore is vir, cui nullus honor tribui non debitus poteſt: grati ſimus in ejus morte decoranda, cui nullam jam aliam gratiam referre poſſumus: notetur etiam M. Antonii, nefarium bellum gerentis, ſcelerata audacia; his enim honoribus habitis Ser. Sulpicio, repudiatæ rejectæque legationis ab Antonio manebit teſtificatio ſempiterna.

VII. (5.) Quas ob res ita cenſeo: (6.) CUM Ser. Sulpicius Q. F. Lemonia, Rufus, difficillimo reipublicæ tempore, gravi periculoſoque morbo affectus, auctoritatem Senatûs ſalutemque populi Romani vitæ ſuæ præpoſuerit, contraque vim gravitatemque morbi contenderit, ut in caſtra Antonii, quo Senatus eum miſerat, perveniret; iſque cum jam prope caſtra veniſſet, vi morbi oppreſſus vitam amiſerit in maximo reipublicæ munere: ejuſque mors conſentanea vitæ fuerit ſanctiſſime honeſtiſſimeque actæ, in qua ſæpe magno uſui reipublicæ Ser. Sulpicius & privatus & in magiſtratibus fuerit: cum talis vir ob rempublicam in legatione morbo obierit; Senatui placere, Ser. Sulpicio ſtatuam pedeſtrem æneam in Roſtris ex hujus ordinis ſententia ſtatui, circumque eam ſtatuam locum gladiatoribus ludiſque liberos poſteroſque ejus quoquoverſus pedes quinque habere, quod is ob rempublicam mortem obierit, eamque cauſam in baſi inſcribi: utique C. Panſa, A. Hirtius Conſules, alter, ambove, ſi iis videbitur, Quæſtoribus urbanis imperent, ut eam baſim, ſtatuamque faciendam & in roſtris ſtatuendam locent; quantique locaverint, tantam pecuniam redemptori attribuendam ſolvendamque curent: cumque antea Senatus auctoritatem ſuam in virorum fortium funeribus ornamentiſque oſtenderit; placere, eum quam ampliſſime ſupremo die ſuo efferri: & cum Ser. Sulpicius Q. F. Lemonia, Rufus, ita de republica meritus ſit, ut his ornamentis decorari debeat: Senatum cenſere, atque è republica exiſtimare,

NOTES.

(5.) *Quas ob res ita cenſeo.*] What the majority of the Roman ſenate approved, was drawn up into a decree, which was generally conceived in words prepared and dictated by the firſt mover of the queſtion, or the principal ſpeaker in favour of it; who, after he had ſpoken upon it, what he thought ſufficient to recommend it to the ſenate, uſed to conclude his ſpeech, by ſumming up his opinion in the form of ſuch a decree, as he deſired to obtain in conſequence of it. Thus Cicero's orations againſt Antony, which were ſpoken at different times in the ſenate, on points of the greateſt importance, generally conclude with the form of ſuch a decree, as he was recommending on each particular occaſion: *quæ cum ita ſint*; or, *quas ob res ita cenſeo*. See *Phil.* 3, 5, 8, 10, 13, 14.

(6.)

granted ſtatues to many; but ſepulchres only to a few. Statues periſh by violence, and the injuries of time; but the ſanctity of ſepulchres is in the ground itſelf, which no violence can ſhake or overthrow. And time, which deſtroys other things, renders them only the more venerable. Let Sulpicius therefore, to whom no unmerited honour can be paid, receive this additional honour likewiſe. Let us ſhew ourſelves grateful in honouring the death of the man, on whom we can now beſtow no other mark of our regard. Let the audaciouſneſs of M. Antony too, who is now waging an impious war againſt his country, be branded with infamy; for theſe honours paid to the memory of Ser. Sulpicius will remain an eternal teſtimony of Antony's having ſlighted and rejected our embaſſy.

SECT. VII. For which reaſons my opinion is, that, 'whereas 'Ser. Sulpicius Rufus, the ſon of Quintus, of the Lemonian tribe, 'in a critical juncture of the ſtate, when he himſelf laboured 'under a dangerous indiſpoſition, preferred the authority of the 'ſenate, and the welfare of the ſtate, to his own life; and ſtrove 'againſt the violence and obſtinacy of his diſtemper, to reach Antony's camp, whither the ſenate had ſent him; and when he 'had almoſt got thither, overcome by the violence of his indiſpoſition, loſt his life in the diſcharge of the moſt weighty employment of the ſtate; and his death was ſuch as became a life 'of the ſtricteſt integrity and honour; during which Ser. Sulpicius was often of great ſervice to his country, both in a private 'and a public capacity: whereas ſo great a man died for the ſake 'of the ſtate in the diſcharge of his embaſſy, the ſenate is pleaſed 'to decree, that a pedeſtrian ſtatue of braſs ſhould be erected to 'him in the roſtra, with an area of five feet on all ſides of it, for 'his children and poſterity to ſee the ſhews of gladiators, and with 'this inſcription on the baſe of the ſtatue, *that he died in the ſervice 'of the Republic.*' It is further decreed by the ſenate, that C. Panſa, and A. Hirtius, the conſuls, ſhall either, or both of them, if they think proper, give orders to the city quæſtors to agree for this baſe and ſtatue, to ſee that it be erected in the roſtra, and to pay the contractor whatever ſum they agree for. And whereas the ſenate has heretofore diſplayed its dignity in the funerals of brave men, it is likewiſe decreed that his funeral obſequies be celebrated with the utmoſt magnificence. And whereas Ser. Sulpicius Rufus, the ſon of Quintus, of the Lemonian tribe, has done ſo many important

NOTES.

(6.) *Cum Ser. Sulpicius, Lemonia, &c.*] The Lemonian tribe was ſo called from a village of that name, near the *Porta Capena*, in the Latine road.

exiſtimare, ædiles curules edictum, quod de funeribus habeant, Ser. Sulpicii, Q. F. Lemonia, Rufi, funeri mittere: utique locum ſepulcro in campo Eſquilino C. Panſa Conſul, ſeu quo in loco videbitur, pedes triginta quoquoverſus adſignet, quo Ser. Sulpicius inferatur; quod ſepulcrum, ipſius, liberorum, poſterorumque ejus ſit, uti quod optimo jure ſepulcrum publice datum eſt.

FINIS.

portant ſervices to his country, that he deſerves all manner of honours, the ſenate decrees, and thinks it for the honour of the ſtate, that the curule ædiles expend upon the funeral of Sulpicius, what is appointed by the edicts relating to public funerals; and that the conſul C. Panſa aſſign him a place of burial in the Eſquiline field, or any other place that ſhall be thought proper, with an area of thirty feet every way, to be granted publicly, according to the forms of law, as a ſepulchre for him, his children, and poſterity.

FINIS.

Lately publiſhed, and ſold by G. KEITH, *at the* Bible-*and*-Crown, *in* Gracechurch-ſtreet.

I. THE Works of Virgil tranſlated into Engliſh Proſe, as near the Original as the different Idioms of the Latin and Engliſh Languages will allow, with the Latin Text and Order of Conſtruction on the ſame Page, and Notes Critical, Hiſtorical, Geographical and Claſſical, from the beſt Commentators both ancient and modern, beſides great Number of Notes entirely new, in two Vols. 3d Edition, 10*s.*

II. The Works of Horace done in the ſame manner, two Vols. 3d Edition, 10*s.*

III. Ovid's Metamorphoſes in the ſame manner, 2d Edit. 5*s.*

IV. Ovid's Epiſtles in the ſame manner, 2d Edit. 4*s.*

V. Phœdrus's Fables, in the ſame manner, 2*s.* 6*d.*

VI. The French Scholar's Guide; or, A new and eaſy Help to the Tranſlating of French into Engliſh. By *Peter Hudſon*, Teacher of the French, Latin, Writing and Accompts, 2*s.* 6*d.*

VII. Mr. *Hudſon*'s new Engliſh Introduction to the Latin Tongue, in a ſhort, comprehenſive and plain Method, with explanatory References and practical Exerciſes, the Genders of Nouns, Roots of Verbs, &*c.* 4th Edition improved, 1*s.* or 9*s. per* Doz.

VIII. Corruptæ Latinitatis Index; or, a Collection of barbarous Words and Phraſes, which are found in the Works of the moſt celebrated modern Writers in Latin; with an alphabetical Table ſhewing what Words and Phraſes would have clearly anſwered their Purpoſe, &*c.* By *William Maſſey*, Maſter of a Boarding-School at *Wandſworth.*

IX. Mr. *Maſſey*'s Cato Major, tranſlated into Engliſh, with copious Notes, 1*s.* 6*d.*

X. Dialogues, French and Engliſh, from the Works of Moliere. By *Lewis Chambaud.* 1*s.* 6*d.*